SENATE—*Friday, April 7, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, a Senator from the State of Georgia.

PRAYER

The Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

"Our fathers' God, to Thee,
Author of liberty,
To Thee we sing:
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King."

—"America".

God of our fathers, our hearts resonate as we reflect on the history of the U.S. Senate. We thank Thee for the giants of the past, for their faith which conceived unprecedented vision for a sovereign people—who set us on our national course and kept us true to their mandate.

Thank Thee, gracious God, for the giants of the present whose greatness waits to be revealed with the perspective of history. Guide these servant leaders—guide all of us—that what is past will be prologue to our posterity.

For the glory of God and in Thy matchless name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, Jr., a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Republican leader's time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator LIEBERMAN be permitted to speak up to 10 minutes in morning business following use of leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FAILED CLEANUP OF THE PRINCE WILLIAM SOUND OILSPILL

Mr. MITCHELL. Mr. President, the Washington Post reports today a high administration official familiar with the Prince William Sound oilspill as saying, "[o]ur concern is that Exxon is not putting together the kind of contingency plan" required for a long-term cleanup.

It is distressing, indeed alarming, that the administration is only now coming to this conclusion.

Virtually everybody else in America reached that conclusion more than a week ago.

In fact, a Federal takeover of the cleanup effort was warranted after it became clear on the day of the accident that Alyeska and Exxon had not responded in the manner called for by the contingency plan, and did not have sufficient equipment available to contain the spill.

The case for Presidential action became even more compelling after 2 more days of relatively little progress by the responsible parties in containing or removing the oil.

Under the Clean Water Act, President Bush could have acted promptly to contain and clean up the oilspill, particularly in view of the substantial threat it posed to the public health and welfare, including fish, shellfish, and wildlife.

He should have done so.

The President chose instead not to use the power available to him to take over the effort to remove the oil in Prince William Sound.

To reach that decision, the President had to have concluded that Exxon's cleanup of the largest spill in the Nation's history would, in the words of the law, "be done properly." President Bush concluded that Exxon's cleanup was being done properly.

That conclusion clearly was in error.

It is apparent that even the administration now acknowledges that error.

Governor Cowper has asked that the Coast Guard be placed in charged of the cleanup.

In response, President Bush finally is planning an increased Federal role, including use of the military, in the long-term cleanup of the massive oilspill.

While I welcome the President's response to this ecological disaster, I fear that it is too little too late.

Valuable time—the most valuable time—has been lost. There should have been a swift and decisive response by the President in the hours and days immediately following the accident when what is now clear to everyone else has finally become clear to the administration.

Secretary Skinner admitted yesterday that the cleanup effort did not come together until 3 days after the accident.

Two weeks ago today, the oilspill in Prince William Sound covered several square miles.

As the sound's residents waited in vain for a major response to the accident by Alyeska and Exxon, fears mounted over possible damage to the abundant fish and wildlife that inhabit these pristine waters.

In the days that followed, these fears were realized as little progress was made in containing and cleaning up the rapidly spreading oil.

Today, the spill covers an area the size of the State of Delaware. Hundreds of miles of shoreline are covered with oil and its effects are becoming more fully known.

Thousands of birds and scores of sea otters are known to have died, and countless more fish and wildlife undoubtedly have perished and will continue to perish.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There will be no herring season this year and the salmon fishery remains gravely threatened.

Rather than abating with the passage of time, the destructive power of the oilspill appears to have intensified.

The effort by Exxon to remove the oil and protect sensitive areas has never been up to the task.

By last Wednesday, 12 days after the accident, Exxon succeeded in taking off the water just 4 percent of the more than 10 million gallons of spilled oil.

The Federal Government must ensure that there is a prompt and effective response to large oilspills that have the potential to cause serious environmental and economic harm.

The opportunity for such a response in Prince William Sound can never be regained.

The task left to us at this point is to make use of those opportunities that remain to prevent the oil from causing further environmental damage and to proceed carefully with the cleanup in the months ahead lest it does more damage than the oil, and then change the law to make certain that this does not happen again.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each, except in the case of the Senator from Connecticut who, under the previous order, will be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. I thank the Chair.

HEALTH EFFECTS OF AIR POLLUTION

Mr. LIEBERMAN. Mr. President, all this week we have seen on television and in newspapers and magazines horrible pictures of the massive oil slick in waters off the coast of our largest State, Alaska, covering an area now the size of our smallest, Rhode Island. We have also seen heart-rending pictures of dead birds, fish and mammals, all victims of this man-made disaster.

One of the lessons of the *Exxon Valdez* oilspill is that development has inevitable consequences for our environment. One of the ironies of the spill is that the oil was on its way to be burned for fuel and that, too, adversely affects our environment, albeit in a much less obvious way. Less obvious, but perhaps ultimately as deadly.

Today I want to talk about the invisible threat of air pollution, and how it affects our health, and particularly those most at risk in our society: our children, our elderly, people with respiratory and heart diseases, and pregnant women.

It is particularly important to talk about the threat now because there are some who claim that even existing clean air standards are too stringent. Just this week, a front-page article in the New York Times suggested that the cost of cleaning up the air may not be worth the effort.

Mr. President, I am convinced the American public does not agree with that conclusion.

The main reason environmental protection has taken center stage on the agenda of Americans is that the people understand that pollution of the environment can hurt them, and can hurt their families. One of the most important legislative initiatives before us this year—legislation that will help us reduce the threat of air pollution to our health—is the Clean Air Act.

We have a chance to demonstrate environmental leadership in the community of nations by reauthorizing, strengthening and strongly enforcing the Clean Air Act.

Today and in the weeks ahead, I want to discuss the health effects of the air pollutants ozone, acid rain and carbon monoxide on the American people.

Ozone is a highly reactive, oxidizing gas that is formed principally by the action of sunlight on mixtures of nitrogen oxides and volatile organic chemicals released into the air from a variety of sources, particularly cars and factories.

Acid rain is formed from two pollutants: sulfur dioxide and oxides of nitrogen. Sulfur dioxide is a colorless gas produced as a byproduct of the combustion of fossil fuels in powerplants. It also is produced when ore is smelted to yield nickel, copper, zinc, and other metals. In the atmosphere, the gas is converted to a sulfur acid mist and sulfate particles. These acids become part of the air we breathe and are inhaled directly into our lungs. Nitrogen oxides—known as NO_x—undergo a similar process in the atmosphere and become nitric acid and nitrates. NO_x is produced both from powerplants and factories, and in significant quantities from car exhaust.

Finally, carbon monoxide is a poisonous, colorless gas which results primarily as a byproduct of incomplete fuel combustion in cars, buses, and trucks.

While increasing numbers of people believe that the consequences of failure to act on global warming are potentially catastrophic, the ramifications of our failure to address the Nation's air pollution crisis are of the same degree of severity. A scientist at a recent Dutch-American environmental health symposium stated that the effects of ozone on animal lungs is most similar to the effects of mustard gas, the World War I poison gas. In 1987, Dr. Philip Landrigan, director of environmental and occupational medicine at Mount Sinai School of Medicine in New York City, testified before Congress that acid rain was the third leading cause of lung disease, behind only cigarette smoking and workplace toxic hazards.

Researchers at Harvard University have concluded that approximately 5 percent of the deaths in the United States—1 death out of every 20—are caused by sulfate and fine particle pollution.

The Congressional Office of Technology Assessment estimated in a 1984 report that approximately 50,000 premature deaths per year in the United States and Canada could be caused by sulfates and other particles. Moreover, these studies are not new discoveries; the scientific evidence about the health effects from air pollution has been mounting for decades.

The statistics on ozone levels from the summer of 1988, which EPA recently released, highlight the need for immediate action on the Clean Air Act. The sad fact is that the 1988 peak ozone levels were the highest of this decade. The health-based ozone standard, set by EPA, was violated 60 percent more often in 1988 than in 1983, when the previous record was set. Some 150 million Americans, 62 percent of all Americans, now live in areas that last year exceeded EPA's maximum safe level of ozone pollution. EPA has testified that the high levels of ozone during last summer likely resulted in acute respiratory disease for numerous individuals.

In my home State of Connecticut, the 1988 peak ozone level exceeded the smog alert trigger level in at least nine cities. The State's highest ozone recording in Middletown showed a level almost double that allowed by law.

Air pollution is not a problem that individual States can solve alone. The Connecticut Department of Environmental Protection tells me that if the State of Connecticut turned off all our cars and shut down all our factories, Connecticut's air would still be polluted by ozone from far away. As attorney general of Connecticut, I was forced to bring legal action against EPA aiming to compel the Federal Government to recognize that acid rain can only be dealt with on a national level.

One of the residents of my own State, Dr. Thomas Godar, president of the American Lung Association, recently testified before Congress that he was

"very disturbed by spontaneous histories that in the summer months people—with lung diseases—going on vacation seek cleaner air further north. * * * Their usual medication dose suddenly drops and they suddenly believe maybe they don't have emphysema after all and their asthma is suddenly remarkably well-controlled. On their way back to Connecticut they have sequential increases in symptoms. By the time they reach our border they are back where they started."

At stake in the environmental debate of this moment is not simply the protection of natural resources, as important as they are. At one time the debate on acid rain centered on the damage to our Nation's waters and forests, which now has been clearly demonstrated. But in 1987 four leading scientists—Dr. Richard Narkewicz, the president elect of the American Academy of Pediatrics, Dr. Thomas Godar, president of the American Lung Association, Dr. Anthony Robbins, the past president of the American Public Health Association, and Dr. Philip Landrigan, the director of environmental and occupational medicine at Mount Sinai School of Medicine in New York City—stood together to tell Congress that critical public health considerations required Federal action on acid rain. Dr. Narkewicz testified that "the ingredients of acid rain * * * contribute greatly to morbidity and quality of health for children." He pleaded, "Doesn't it make more sense to eliminate the cause of the problem, whenever possible, rather than have children suffer?"

The New York Times article I mentioned earlier talks about the cost of cleaning up the air. There is a cost, but there is also a high cost associated with dirty air. A recently published report by the Lung Association found estimates of enormous economic benefits to society resulting from control of air pollution. One study cited by the Lung Association showed a 60-percent reduction in sulfur dioxide and participate pollution alone would save up to $40 billion a year in health care and other costs of illness and death related to these pollutants. Another analysis demonstrated that a 20-percent reduction in these pollutants would save $16 billion a year. Moreover, economic analyses have estimated the effects of air pollution on environmental damage at between $60 and $100 billion per year.

What is at stake is not simply a desire that those of us who are fortunate enough to be healthy continue to be healthy. The Clean Air Act must protect society's most vulnerable and sensitive groups—small children, asthmatics, people with heart diseases, pregnant women, and the elderly.

The American Lung Association recently published a report showing that approximately 60 percent of these most vulnerable people live in areas where air pollution exceeds health standards. For ozone, this group includes children under the age of 13 with developing lungs, the elderly, asthmatics and people with chronic obstructive pulmonary or heart disease. For carbon monoxide, this group includes pregnant women and their unborn babies and those with coronary heart disease.

The Lung Association estimates that in Connecticut, a State of 3.2 million people, 577,000 preadolescent children, 414,000 elderly persons, 71,000 persons with coronary heart disease, 39,000 pregnant women, 111,000 persons with asthma and 154,000 persons with obstructive coronary disease live in areas where the ozone or carbon monoxide levels exceed the health standards.

That is why the testimony of the experts with respect to the impact of air pollution on these classes of vulnerable people is so devastating. Dr. Landrigan recently told Congress that:

Children who have been exposed to prolonged exceedances of the ozone standard have required as long as a full week to recover pulmonary function . . . That sort of prolonged irritation . . . is of great concern . . . because it may presage the development of fibrosis of the lung and lead to premature aging of the lung.

Another leading expert, Dr. Philip Bromberg, director of environmental medicine at the University of North Carolina Medical School, has testified that "modest levels of—carbon monoxide—may find the fetus extraordinarily susceptible to the development of irreversible neural changes."

Scientists express similar concerns about children's health with respect to acid rain. Harvard University scientists have followed the effects on the health of children in six United States cities for over a decade. Data from these studies released during the last 2 years show a direct relationship between acid particles in the air and the symptoms of bronchial disease in children ages 10 through 12. A recent study conducted by Dr. Paul Lioy of Rutgers University concluded that summertime haze episodes, which contain high levels of the acid rain precursors—sulfur dioxide and oxides of nitride—place large segments of the population at risk. This study was so alarming that Dr. Lundrigan, on behalf of the American Academy of Pediatrics, warned parents that they should consider limiting the amount of time their children play outside in the summer.

In short, the threat to society from air pollution is not simply that our lakes and forests will die—as devastating as those losses will be. The ultimate threat is to ourselves, and that is why we need a strong Clean Air Act for American.

Over the next few weeks, I hope to continue to discuss in more detail the mounting evidence about the devastating health effects of particular air pollutants.

I thank the Chair. I yield back the remainder of my time.

Mr. MITCHELL. Mr. President, I commend my colleague from Connecticut, Senator LIEBERMAN, for a very thoughtful, informative statement addressing what I believe to be one of the most serious health problems confronting our society. It is particularly significant coming from Senator LIEBERMAN, who has a distinguished record as attorney general of Connecticut in protecting the health and environment of the citizens of that State, and his contributions on the national level will now be welcome. I know he is going to play an important role in what I hope will be a broad reauthorization and improvement of the Clean Air Act in this Congress. I welcome his statement and his participation.

Mr. LIEBERMAN. I thank the majority leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

EASTERN AIRLINES

Mr. DOLE. Mr. President, I think some of my colleagues on the other side of the aisle are getting a double dose of reality today. The Eastern Airlines crisis is taking a big step forward to a final resolution, and the Nation's unemployment rate has dropped to 5 percent, the lowest rate in 16 years. As most of us know, the Texas Air Corp. reached an agreement yesterday to sell Eastern to a company controlled by Peter Ueberroth and Eastern employees. This is good news, good news for Eastern, good news for Eastern employees, good news for the families of the striking workers, and good news for travelers. Guess what? All this good news was accomplished without big Government. That is the concept that some of my colleagues do not seem to understand.

I must admit I am not privy to the specific terms of the agreement, and I admit it is too early to tell what the effect will be on the Eastern's labor problems. I know Mr. Ueberroth and Eastern unions have until midnight next Tuesday to agree on the details of a new contract.

But this latest development demonstrates that the President was right all along. It proves that the Federal Government had no business sticking its nose into Eastern's labor problems. It proves that there was no—and there still is no—need for a special Presidential emergency board despite the im-

passioned calls of my colleague from Massachusetts.

The agreement between Texas Air and Mr. Ueberroth also tells us something else. It tells us how important it is to let the free market do its work and how cautious the Federal Government must be before it decides to intervene in the private economy.

I just hope that we can remember this important lesson as we continue to debate on minimum wage and other ideas that some have dreamed up such as requiring employers to offer mandatory benefits of all types.

MINIMUM WAGE RESTORATION ACT

Mr. DOLE. Mr. President, with reference to minimum wage, I ask unanimous consent to include a letter from the President at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, Apr. 7, 1989.

Hon. BOB DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: As the Senate begins consideration of legislation to increase the minimum wage (S. 4), I wanted to restate my position and the underlying rationale.

I will veto any bill which exceeds a $4.25 wage level and which does not contain a 6-month training wage for new hires, as previously outlined. After exhaustive review with my senior advisers, I decided this was the maximum increase our economy could sustain without adverse consequences.

In closing, I want to thank you for your March 15 letter, signed by 35 Senators, which ensures the votes to support my veto of an unacceptable bill, should that become necessary.

Sincerely,

GEORGE BUSH.

Mr. DOLE. Mr. President, the letter makes it very clear. There should not be any doubt about it. President Bush said in the campaign he was for an increase in the minimum wage. He kept his word. He called for a 90-cent increase from $3.35 to $4.25. The House-passed bill was $4.55. The bill reported by the Labor Committee on this side was $4.65.

So, President Bush decided that he would do what he promised, he would keep his word, he would agree to increase the minimum wage to $4.25 and a 6-month training wage period. That was not an opening bid. That was it. That is precisely where the President stands today. The letter reads:

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V-e-t-o—

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Sincerely,

GEORGE BUSH.

George Bush.

I would just indicate that I have heard a lot of whispers and some rumors, well, this is just a negotiating position. The President goes up 90 cents, the Democrats come down 10 cents. Is that supposed to be a compromise or the beginning of a compromise? It does not sound like a very good idea to me.

So the President has gone 90 cents. It seems to me that was a very good offer. It was not a starting position. That was his position. The previous President, President Reagan, was opposed to any increase in the minimum wage. There are good arguments for not increasing it at all, and some of my colleagues think $4.25 is too much.

I would hope when we get into the debate and start voting on the minimum wage that we keep in mind that George Bush kept his word. It is an increase of 90 cents over 3 years. There is a training wage to get some of these young people off the streets, and back into the workforce. That is at the $3.35 level. It cannot exceed 6 months.

So if there is any doubt about the President's stand—I do not believe there is—there is a report this morning in the Washington Post and other papers that $4.25, and a 6-month training wage is the bottom line. I am also advised repeatedly by the Secretary of Labor that that is the bottom line.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID], is recognized.

Mr. REID. Mr. President, many of my colleagues have already risen to speak on the tragic oilspill in Prince William Sound, AL. We know too well from their eloquent statements, and from daily news reports, what this oilspill has done to the environment and local economy. But no one has yet discussed what the Alaskan oilspill means to the American taxpayer.

In the Monday edition of the Washington Post, there appeared a front-page story on how the spill will affect Exxon. Last year, this giant of American corporate life had a profit of $5.3 billion on revenues of $88.6 billion. And the oilspill may actually be good for Exxon's business; their earnings may actually increase. Gasoline prices have already increased and increased a lot in the entire West, including Nevada, due to the so-called temporary shortages caused by the oilspill.

The cost of the cleanup and related claims is projected to be between $100-$500 million. A large amount, but at the very most, only 10 cents on every dollar of profit earned by Exxon last year.

Yesterday in hearings, Coast Guard Comdr. Paul A. Yost, Jr. said he fears Exxon "would fold up its checkbook" if the Federal Government pays for and takes over the effort to clean up the Alaskan oilspill. Commander Yost estimates the costs of cleanup at $1 million a day.

Here is the rub. Exxon is already not paying for those cleanup expenses. The American taxpayer is. Exxon's checkbook was never really opened in the first place.

It is incredible. But it is true. Why? Because the costs of cleaning up the Alaska oilspill are considered an ordinary cost of doing business and are, therefore, tax deductible. In other words, business as usual, despite the fact that the Alaska oilspill is hardly usual and is, by far, one of the worst environmental disasters in the entire history of the world. I, for one, am outraged that every man, woman, and child in this country is forced to pay for the company's expenses in cleaning up an oilspill that resulted from gross negligence. After all, this was not an earthquake, hurricane, or some other act of God. This was negligence of the highest order. The responsible parties should not get a tax break; they should pay the price of their negligence. Otherwise, there will surely be new environmental disasters of similar magnitude and the taxpayers will continue to foot the bill.

This nationwide injustice is part and parcel of the same tragedy experienced by the Alaskans who have already lost jobs because of the spill and receive little public assistance.

No one—corporation, Government official or private citizen—should receive a public benefit when they have done great harm to the public good.

Therefore, I am announcing today my intention to introduce legislation that will eliminate the deduction to corporations for the cost of cleaning up environmental damage.

My legislation will have the following provisions:

First, any corporation cleaning up its own environmental damage, caused either intentionally or through negligence, must receive certification from the Environmental Protection Agency and other appropriate agencies that the environment is restored to the standard established by existing Federal legislation.

This includes legislation such as the Clean Water Act and Superfund.

Second. Any corporation not receiving certification of compliance by the EPA, and other applicable agencies will lose its Federal tax deduction it

would otherwise receive for the cost of the cleanup. The loss of the deduction shall have a net effect upon the corporation's tax liability.

Third. Any revenues accruing to the Federal Government resulting from the loss of the deduction will be dedicated to promoting environmental protection whether through land purchases, enhanced enforcement, research or other purposes.

The United States must be a leader in efforts to preserve and enhance the environment. And in order to be a world leader, we must have a credible environmental policy here at home. It is a bit hypocritical, therefore, for the Federal Government to expect to retain this leadership role when it walks away from the Exxon spill on the one hand, yet hands the polluter a tax deduction on the other.

I believe the American people will not tolerate, and should not tolerate huge tax breaks to corporations that make a quick buck off of America's long-term nightmare. I know that this taxpayer will not tolerate this abuse. My legislation will ensure that environmental cleanups are performed well. This legislation will also provide significant incentive to corporations to clean up environmental damage immediately and thoroughly. Failure to comply with this legislation will hurt environmental offenders where it counts the most: in profits. If management is not listening, the stockholders should be.

I yield the floor.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from North Carolina is recognized.

Mr. SANFORD. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IT IS TIME TO HAVE AN HONEST BUDGET—THE GRAMM-RUDMAN-HOLLINGS PLAN IS FOOLING US

Mr. SANFORD. Mr. President, the Gramm-Rudman-Hollings plan has served its purpose. It seems to me that it is time for us to think about the next step of how we manage our national budget.

Mr. President, when Ronald Reagan assumed office in 1981, he inherited a gross Federal debt of just under a trillion dollars. During his 8 years in office, that debt almost tripled, as it was permitted to climb to more than $2.6 trillion. I consider this a bipartisan problem, and a responsibility for both the White House and Congress.

Mr. President, before the autumn leaves begin to turn, our excess spending will increase the Federal debt beyond the legal statutory limit of $2.8 trillion. The debate to increase the debt limit to more than $3 trillion will begin, and the American public should be outraged.

We should all be outraged, because we have been told that, under the President's new freeze proposal, we are on a path to eliminating our annual deficits. We are being told, as we were told through the years of the Regan administration, that our deficits are getting lower, not higher. Mr. President, that is absolutely untrue.

The Congressional Budget Office projects that our Federal debt, now bumping the $2.8 trillion ceiling, will climb to $4 trillion in 1993, the very year our President's program is scheduled to eliminate our annual deficits. Even the Office of Management and Budget, using economic assumptions that project only 7-percent interest rates in 1990, estimates a Federal debt in 1993 of $3.7 trillion.

How can this be? If our annual deficits are coming down, why then is the Federal debt going up? I will tell you how. The budget doesn't reveal the truth in an obviously or easily understandable way. We need an honest budget.

This chart clearly shows the problem. The top line shows the Congressional Budget Office projected increases in annual gross Federal debt, going from 1988 and 1993, where the annual deficit will climb from around $250 to $300 billion.

The bottom line shows the Gramm-Rudman deficit reduction targets.

Now, we have not kept on that target line, but that is the target line that we say we are keeping on.

Under Gramm-Rudman-Hollings, it is claimed that the annual deficit for fiscal year 1988 was $155 billion. Yet, during that fiscal year, we added $255 billion to the gross Federal debt. We actually had a deficit of $100 billion more than we admit. The Gramm-Rudman-Hollings procedures are being used to fool us. We need honest budget procedures.

These are actual figures of fiscal year 1988, not estimates. We know that we increased the gross Federal debt by $255 billion in that year. And we know that, under the ground rules of Gramm-Rudman-Hollings, we declared our annual deficit to be only $155 billion. It is trickery we should not allow. We need an honest budget.

Now, if we look at the last year we include on the chart, 1993, we see that Gramm-Rudman-Hollings claims to eliminate annual deficits. That is nonsense; it is worse, it is false. We can see that the gross Federal debt will increase that year by almost $300 billion. The Gramm-Rudman-Hollings procedure is not working. We are fooling people with a dishonest budget.

Where do we show these billions of dollars in the Federal budget documents? In 1988, where did we hide that additional $100 billion? Where are those additional billions of dollars that make up the space between the top line on this chart and the bottom line, the claimed deficit and the real deficit? They are cleverly covered up.

We do several things. A big part of this coverup involves the use of Social Security trust fund reserves. These trust funds are supposed to be off-budget, not counted as income for Government operations, but held in trust for future Social Security payments, trust funds, not spendable funds. For the purposes of Gramm-Rudman-Hollings, they are counted on-budget as spendable income. In fiscal year 1988 that amounted to about $39 billion. Gramm-Rudman is not reducing the deficit; the Social Security trust funds are increasing. We say that it is being reduced, when actually, we simply are covering it up.

They also have engaged in creative accounting during the Reagan years of deficits and debt buildup. This is not to suggest that we don't account for our total spending in the Federal budget documents. We do. However, some of that spending is difficult at best to find.

When Treasury pays interest into the Social Security trust fund, for example, that payment is not counted as interest. It is counted as a receipt and, therefore, is not included in the net interest total that is typically used in the budget. It must be included in gross interest totals, but you have to dig to find that figure.

In 1988 we reported in our budget that we paid $152 billion in interest. People go around deploring that 15 cents on every Federal dollar goes to pay interest on the Federal debt. That figure is net interest paid, not the total gross interest paid on the Federal debt, which in 1988 was $214 billion! And, that is about 20 cents on every Federal dollar, not 15 cents. We simply hid $62 billion in interest payments made in fiscal year 1988. If we set aside Social Security, and count only spendable general taxes, we are paying out 30 cents of every spendable tax dollar collected. We cannot continue this path which will lead to economic destruction.

It must be included in gross interest because we have paid it out. But if you find it in the budget, you have to dig to find it.

This is what I call creative accounting. Another name for it might be silent spending. They hide some of our spending, in the massive detail provided us in budget documents each year. It is all there; you just have to know where to look for the deceitful techniques.

This brings us squarely to the fundamental question of honesty that I believe is key to understanding our current fiscal dilemma. Very simply, should not our annual deficits reflect the amount we increase the gross Federal debt each year? If we increase the debt by $255 billion as we did in fiscal

year 1988, should we not then claim an annual deficit for that year of $255 billion? We must. Even OMB admits that the proper definition of budget deficit is the increase in the gross national debt for that year.

I believe we must have an honest budget, and have therefore proposed legislation to do just that. I will not again vote for a deceitful, coverup budget. For future budgets, S. 101 proposes to lay out our Federal budget in a more understandable way, and in a way that forces straightforward reporting.

We have a significant imbalance between our income and our outgo, yet under Gramm-Rudman-Hollings we do not reflect that. A debt is, after all, the accumulation of annual deficits. Therefore, our annual reported deficits must reflect the annual increases in the debt. That is the straightforward way of doing public business.

To paraphrase the trite illustration the White House is using to define taxes—if it looks like a debt increase, and it drains our economy like a debt increase, and it ends up on the bottom line as a debt increase, it must be a deficit!

During the coming weeks and months I plan to discuss in more detail our Federal debt which is the accumulation of annual deficits and explain how S. 101, the Balanced Budget and Debt Reduction Act of 1989 attempts to address honestly this extremely important issue that threatens our future, our children's future, and their children's future.

Senator HOLLINGS has come forward to say that the Gramm-Rudman-Hollings plan is not bringing down our real deficits. It is not working; it is deceiving the public. We have let ourselves be fooled long enough. It is time to scuttle the Gramm-Rudman-Hollings device. It is time for an honest budget and truthful accounting.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of legislation are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIA PROPOSES TO TEST 1,500-MILE BALLISTIC MISSILE

Mr. BINGAMAN. Mr. President, an article on the front page of the April 3, 1989, the New York Times reports that the Indian Government will soon test a long-range ballistic missile, named the Agni, which has a range of 1,500 miles and can carry a warhead weighing 1 ton.

I ask unanimous consent to print in the RECORD the New York Times article, "India Is Reportedly Ready To Test Missile With Range of 1,500 Miles."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 3, 1989]

INDIA IS REPORTEDLY READY TO TEST MISSILE WITH RANGE OF 1,500 MILES

(By Sanjoy Hazarika)

NEW DELHI, March 28.—Indian scientists are preparing to test a long-range ballistic missile that would vastly enhance the country's military and political power, Indian and Western military experts say.

The officials said the test, to take place somewhere in Orissa or Andhra Pradesh states, was expected early this month. Western specialists said the Indian missile, called the Agni, would have a range of up to 1,500 miles and a payload of one ton.

EXPERIMENTAL, INDIA SAYS

The apparent success of the Indian program comes despite efforts by the United States and its allies to restrict the export of technology and goods to countries that might use the technology to buy or develop nuclear missiles.

Indian scientists involved in the project said it was experimental. "The current strategic situation between India and its neighbors hasn't pushed us into this technology," an Indian defense scientist said. "The decision was taken years ago to build up an infrastructure for missile technology."

Nonetheless, the move is seen as an effort to assert India's military dominance in the region and to show its determination to play a more prominent role in the world.

If India were successfully to develop a ballistic missile with a range of 1,500 miles, it would join a small group of countries. The nations with medium- and long-range ballistic missiles are the United States, the Soviet Union, Britain, France, China, Israel and Saudi Arabia.

ISRAELI WEAPON

Israel has tested the Jericho 2 missile, with an estimated range of 900 miles. Saudi Arabia bought the DF-3 missile, with a range of 1,200 miles, from China. Some third world countries have developed or bought shorter-range missiles. Those nations include Syria, Iran, Iraq and Egypt.

Last year, India successfully launched the Prithvi, a short-range surface-to-surface missile with a range of 150 miles. The missile is described as a tactical weapon that can be fired from behind battlefronts into enemy lines. India has a separate civilian space program that is being assisted by the United States and France.

India has said it will not use nuclear payloads on its new rockets.

Last January, Pakistan tested two short-range missiles built with Chinese assistance. Some Western experts say Pakistan may have developed the missile with technology from Western commercial workers.

Western nations have pushed for guidelines that would prevent the West from aiding the development of long-range ballistic missiles that can carry nuclear warheads. Some Western experts say India has used technology from its space rockets, technology that predates the Western controls, to develop the weapon.

Defense officials said the test-launching would be a demonstration of India's military capabilities. They said they were aware that it could draw sharp reactions from the United States and its allies as well as from India's neighbors, including Pakistan and China. China is far ahead of India in nuclear technology and missile production.

The Indian missile is to be fired into the Bay of Bengal from a military base and "final checks are on," said a top official at the Indian Defense Ministry.

"THIS IS AN EXPERIMENT"

"This is an experiment, and if the Government says that in the long-term defense interests this is needed, then we will go in for production," an official said. So far, about $300 million has reportedly been spent for the missile research program.

India says it has developed short- and long-range missile technology on its own, and without Soviet assistance, although India buys military hardware from the Soviets. Several smaller systems used for the Prithvi and for short-range missiles are imported from Western nations, including the United States.

India has declined to sign the Nuclear Non-Proliferation Treaty, saying the treaty discriminates against poorer nations. It has said that it is committed to a peaceful nuclear program, although officials say it has the capability to produce atomic weapons.

Western nuclear experts say New Delhi has a secret atomic weapons program, a charge that India has strongly denied.

Mr. BINGAMAN. Although both Congress and executive branch officials have asked India not to test the Agni missile, India seems determined to go ahead. I hope that the Government of India will reconsider. Testing this missile could greatly damage India's relations with its friends and diminish its stature as a peaceful world leader.

I am saddened by the prospect that India would exchange its hard-won image of a country strongly committed to democracy and international cooperation for one of an aggressive military power. Yet, if the missile is tested, it is certain that India will forfeit this image. Although India has promised not to arm its missiles with nuclear payloads, the possibility that it could arm Agni missiles with nuclear warheads is profoundly disturbing to all countries of the region and, indeed, to the world community. This is especially true because India has not signed the Treaty on the Nonproliferation of Nuclear Weapons.

I am surprised and dismayed that India would jeopardize its relations with its allies and neighbors. Testing the Agni will surely damage relations with China, as major Chinese cities will be within the Agni's range. India's new, and much applauded, opening with Pakistan may be sacrificed and replaced by a destructive arms race between these two old adversaries. Moreover, testing the Agni will undoubtedly sour India's relations with the Arab world, as it would demonstrate India's

commitment to military dominance over Muslim Pakistan.

India's decision to test the Agni calls into question our own policies on nonproliferation of missiles capable of carrying nuclear warheads. For example: Can we continue to provide assistance to India's civilian space program if space technology directly contributes to India's ability to develop ballistic missiles? Should we reconsider the provision of multilateral assistance to India if the construction of the Agni ignites a costly arms race? I do not have the answers to these questions this morning, but I intend to seek answers that will result in improved control of missiles and missile technology.

Mr. HEFLIN. Mr. President, I ask unanimous consent to speak up to 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THADDEUS J. DAVIS, JR.

Mr. HEFLIN. Mr. President, a longtime friend of mine, Thaddeus J. Davis, Jr., passed away in Tuscaloosa, AL, recently. He was a native of Marion, AL. He lived there all of his life and practiced law.

Thad Davis was a unique individual. He was one of those rare individuals who I think has added much to the American scene, and that is that he was a truly outstanding country lawyer.

Thad practiced all types of law. He was a superb trial lawyer. He handled estates. He handled guardianships for minors. He had a tax practice. He represented small businesses and corporations and really took care of almost any type of business that came to his office; and he did all of this in a superb manner.

He represented units of local government but, as a true country lawyer, he did much pro bono work. He did not call it pro bono work, but he really did work which was helpful to people who did not have any means.

He did great work for churches. He probably had written more deeds and handled more real estate transactions for churches than almost any individual who practiced law in the State of Alabama.

He was a counselor to all sorts of people in different walks of life. He was a true civic leader, supporting everything in his community and his county that he thought was worth while. His home town of Marion, AL, is a small community, but it is a cultural center and has been designated in the past by newspapers and others as being the cultural center of the Black Belt section of Alabama.

He graduated from Marion Military Institute and served for many years as a trustee of that very fine institution. Marion also is the home of Judson College, which is a college that is primarily a women's college and he was a great supporter of that institution.

Thad Davis had many friends. He will be truly missed. I have lost a great friend. I extend my sympathy to the members of his family and to his delightful wife, Millie. I wish for them a long and happy life. I know memories will continue throughout their lives of their association and friendship with a truly great individual.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is terminated.

MINIMUM WAGE RESTORATION ACT

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is now recognized.

Mr. KENNEDY. Mr. President, during the debate yesterday a number of arguments were made both in support for the increase in the minimum wage and points were made in opposition to the minimum wage. We tried to address the questions of the impact of the increase on inflation, the impact on employment. We addressed the questions of a training wage contained in the administration proposal and a number of other items.

During the course of the debate we presented to the Senate a chart entitled: "Hourly workers in low-wage industries have lost ground to inflation since 1981," this particular chart, with this column designating the inflation rate at 39.2 percent, and it illustrated the decline in hourly wages of certain retail industries relative to the CPI, and how many people actually worked in those industries.

Here we see the figures for the variety stores, some 250,000 employees. Their increase, in terms of compensation, was 29 percent, still a 10-percent gap between purchasing power that they had in 1981 as compared to the purchasing power today.

Over a million in apparel and textile work. Their wages went up 29 percent, still well below the inflation level of 39.2 percent.

Retail trade in general, 19 million Americans working in this area—but their wages only went up 25 percent.

The service stations with 600,000 employees, only 24 percent; eating and drinking establishments, 6 million work in those. Sometimes both members of the family but remember they also support other family members. This chart just designates the numbers of workers in those industries—not the children who depend on those workers.

The food store employees wages only increased 5.6 percent—3 million low wage workers work in those areas.

This is a pretty substantial group of American citizens, and many are paid just above the minimum wage. This is what happens when the wage floor does not keep pace with inflation. There are some exceptions, but primarily, these are the areas of low wage employment. As we know, the minimum wage has not increased at all since 1981.

We heard yesterday from some of our colleagues: They said, well, we want to tell you, those of you who are interested in the minimum wage, we want to tell you if you provide that increase, that is going to reduce employment in all those areas. I will come back to that issue in just a few moments. But we heard those who are opposed to our proposal tell us about how these industries are right on the edge. If we see this increase in the minimum wage, these industries in many instances are going to close down. We hear that argument made by many of those who are opposed to S. 4.

So, over the evening last night, I thought I would take a look at what has happened to the compensation of the CEO's in these various industries. Because we hear the gloom and doom predictions: Raise the minimum wage a few cents, restore purchasing power, and it is really going to have an adverse impact on employment and inflation.

Well, evidently, Mr. President, that message did not get to the board rooms. It did not get to the CEO's. Because, in corporation after corporation—take American Stores. Compensation for the CEO for American Stores in 1981, $482,000. Compensation in 1986, $1 million; a 120-percent increase. But not for the employees. Not for the people who are out there working. Their wages did not go up.

Balley Manufacturing. The CEO's compensation was $751,000 in 1981, in 1986, $1,873,000, an increase of 149 percent. Not for their employees. And

the opponents of S. 4 are resisting now to try and even restore the purchasing power to low wage workers that they had in 1981. But for the CEO, a 149-percent increase.

The Brown group provides Cloth World, Etage Cosmetics, Peck's Men's Wear Center, Regal Shoe Stores; the CEO received $416,000 in 1981, and $718,000 in 1986. A 73-percent increase in compensation.

Brunswick Bowling Lane chain. These are the types of industries where you get the very low wages, the bowling lanes. Brunswick Bowling Lane chain. The CEO got $1,065,000 in 1981; in 1986, the CEO got $2,630,000—a 147-percent increase. But not for those low wage people who are working in those bowling lanes. No way we are going to restore your purchasing power because if we just give you a few more cents, you will put us out of business. Well, that word did not get up to the CEO in Brunswick, evidently.

Food Lion, $442,000 in 1981; $965,000 in 1986, a 118-percent increase.

Giant Food, $601,000 in 1981 and in 1986, $3,436,000; a 472-percent increase for the CEO's, but not for those people who are working out in those stores. No, we cannot afford the restoration of the purchasing power of the minimum wage. No way, because this will really have a devastating impact on employment. This is what our opponents say.

Evidently the increase of 472 percent salary for the CEO is not going to affect the bottom line of their balance sheet.

Great A&P Tea, $877,000 in 1981, $4,279,000 in 1986, a 388-percent increase. An $877,000 to $4,279,000 increase for the CEO but not for those who are working there, in the Family Mart, Kwik Save, Pantry—all the kinds of operations where the low wages and the minimum wage are paid.

Greyhound, $414,000 in 1981. They are a conglomerate. They have Cassano's Pizza, Cleaning and Maintenance Services, Contract Food Services. We look for minimum wage workers right in there. Well, the CEO got $414,000 in 1981 and he received $1,494,000 in 1986, that is only a 261-percent increase.

K Mart, $506,000 in 1981; $5,184,000 in 1986, a 513-percent increase, a 513-percent increase. Several hundred times the increase in purchasing power. But in dollars, 513 percent.

No, our opponents day, we cannot afford a restoration of the minimum wage now.

Kroger, that is Kroger's, Quick Stop, Price Saver, Time Saver, Tom Thumb Food Stores. What has happened to the food store employees, 3 million of them? For those 3 million, their wages have gone up 5.6 percent since 1981, for the industry as a whole. There are 3 million Americans working in those food stores.

Well, they must take some satisfaction from the fact that the Kroger's CEO went from $694,000 to $1,919,000, a 176-percent increase.

The Limited, that is another conglomerate that is in these retail areas, the CEOs' salaries went from $336,000 to $1,235,000, a 238-percent increase.

Mr. President, I could go on with this list. These particular CEO's whom I have mentioned are in these related areas, where the greatest diminution in terms of the purchasing power for our low wage American workers have been employed. And these are the same industries where we have seen this explosion in terms of compensation for the CEO's.

So, I do not really think we should give great weight to those arguments that are made here on the floor of the U.S. Senate about how devastating this is going to be in these particular industries—which are primarily the minimum wage industries—when we see the kind of belt tightening, or belt loosening, by the CEO's.

I thought that that would be of some interest, in terms of understanding what is happening in those various industries. Especially since we are going to have crocodile tears on the floor about how devastating this minimum wage increase is going to be. But the record is clear. On the one side, the dramatic diminution in terms of the purchasing power for those employees who have been working in those industries. On the other side, an explosion in the compensation increases for CEO's.

Mr. President, there were a good many comments yesterday about what the impact of the increase in the minimum wage was going to be on some of the States. I do not see my good friend from Utah here or from Oklahoma. So perhaps I will reserve this to have a chance to review with them what has happened in those particular States in the past when we increased the minimum wage, and then I am ready to pass the bill. I do not think we will try to do that at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12:30.

There being no objection, the Senate, at 12:05 p.m., recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LIEBERMAN].

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the role.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, Congress has been reviewing and debating various proposals to increase the minimum wage for over a year. We promised the public that there would be a thorough and fair review, and surveys of public opinion show that the American people are now ready for us to act.

Minimum wage has, for a half-century, been a safety mechanism to ensure that American workers earn a decent living and had in the past been set at a level that would ensure that a working American would not be in poverty. Unfortunately, that goal has now slipped far beyond the grasp of many working Americans who are earning at or near the minimum wage.

With the responsible bill that will be presented to us, we'll provide low-wage earners the chance to improve their economic condition. There are other objectives that we wish to seek. We want to encourage employers to hire newcomers to the work force.

Mr. President, I have been particularly interested in the issue of a training wage as a means of giving that encouragement to employers to take a chance on that first-time employee. A fair and rational training wage, in my opinion, is one of the keys to achieving the overall goal of our minimum wage legislation.

The training wage creates an incentive for employers to hire people with little or no job experience. This incentive will be a positive force for our overall society; for business and for new workers.

Today too many people turn to Government for assistance because they often cannot get that first opportunity, that first break to get into the job market. By allowing a training wage, businesses will be encouraged to offer that opportunity to those previously unemployed.

Second, the training wage allow a period for new workers to adjust to the technical and personal demands of the workplace.

After this brief training period, that new employee is eligible for full minimum wage.

Therefore, the training wage is also an incentive for new employees to perform well when they enter the work force, because they'll win a promotion in 60 days.

The training wage plan that Senator PRYOR and I propose would allow an employer to hire—at 85 percent of the

minimum wage—an applicant who had not been employed at one place for 30 days.

The training wage would last no longer than 60 days. No more than 25 percent of an employer's work force could be covered by a training wage at any one time. If an employee had worked in a previous job for at least 30 days—but less than 60 days—the employee could be hired at the training wage rate until completion of 60 cumulative days of employment.

In sum, you must hold one job for at least 30 days to be credited with work time toward graduation to full minimum wage.

This training period will allow new workers to become familiar with the workplace, with the need for punctuality, proper appearance and teamwork, as well as the specific skills required to be a productive member of that work community.

Mr. President, we endorse this component of the overall minimum-age bill, and the adjustment in the minimum wage.

Our proposal will benefit employers and it will benefit employees as we move to adjust the minimum wage. It will help us achieve our objective, which is a strong, independent work force comprised of persons who have the skill to make a contribution to a productive and a competitive America.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise in opposition to S. 4, the Minimum Wage Restoration Act of 1989, which would amend the Fair Labor Standards Act of 1938 to increase to unreasonable levels the minimum wage paid to persons working under hourly pay scales. The supporters of this measure assert that its purpose is to help the working poor of our country to support their families. However, the evidence simply does not support the allegation that a sizable increase in the minimum wage rate would significantly benefit the most disadvantaged workers in our Nation.

In practice, this legislation will not enable a large population of working poor to support their families, because there is not a large segment of our citizenry that is composed of minimum wage earners who are heads of households. According to the U.S. Department of Labor, just 1 percent of all American workers earning minimum wage are below the poverty threshold. Seventy percent of workers earning the minimum wage reside in a family in which the income is at least 150 percent above the poverty threshold. Furthermore, nearly half of the heads of impoverished households in the United States are not in the labor force. Only 490,000 of the 3.9 million of minimum wage workers are heads of households with dependent relatives, according to Department of Labor statistics.

Historically, studies have shown that increasing the minimum wage rate has had no impact on poverty and has only slightly increased or even decreased the equality of income distribution. In analyzing over 20 studies conducted by economists since 1983, the General Accounting Office has noted that these surveys reveal that employment is less than it would be if there were not a minimum wage in existence.

Who then really stands to benefit most from a higher minimum wage, Mr. President? Rhetoric cloaked in terms of fairness for disadvantaged workers does not obscure the view of the real beneficiaries of an increased minimum wage, "Big Labor." Minimum wage legislation has always been promoted by labor unions and other special interest groups for their purely self-serving political considerations. The labor unions in our country are looking to this measure as a means of securing their positions and turning around a decline in membership that they have experienced in recent years.

Mr. President, the South, an area that is already struggling with unemployment problems, would be heavily impacted by a significant increase in the minimum wage. A study, conducted by Clemson University, has estimated that raising the minimum wage rate to $4.65 per hour would result in the loss of 750,000 jobs nationally, and 10,383 positions in South Carolina by 1995. This study predicts that "by 1995, almost 34 percent of all lost jobs and over 41 percent of low-wage manufacturing jobs lost as a direct result of the mandated increase will be in the South." The Clemson study focused on textile workers in South Carolina as "the classic example of a low wage manufacturing worker." The average hourly wage of textile workers in South Carolina in 1985, was listed as $7.68. All workers receiving this wage or lower were defined as low-wage workers for purposes of the survey. Based on this criteria, Dr. Richard McKenzie, an economist at the University of Mississippi, who conducted the survey when he was at Clemson, has projected that the South would have a third of the entire projected total employment losses, if the minimum wage is raised to the level of $4.65.

In simplistic terms, when a higher minimum wage rate is imposed on the business community, it is faced with the dilemma of how to meet the new labor costs. If business cannot pass along increased costs, it must absorb them. In order to absorb these costs, employers must restructure their work force by implementing such measures as: eliminating those workers considered to be the least productive; limiting the amount of hours that employees are permitted to work; leaving vacant positions unfilled; consolidating jobs through automation; and reducing production.

Unfortunately, America's teenagers stand to suffer the most from the adaptations that business and industry must make in order to comply with an increase in the minimum wage. These young workers generally have limited experience and have not developed skills; therefore, they are considered to be the least productive employees. Thus, legislation creating a high minimum wage in effect excludes the least employable by pricing them out of the job market.

An increased minimum wage adversely impacts teenagers in two significant ways. First, these young people, who lose their jobs, experience an immediate loss of income. Second, because they are removed from the workplace, teenagers are prevented from acquiring valuable experience and skills that are necessary to allow them to progress into higher wage level positions in the future.

The Bureau of Labor Statistics has determined that the present unemployment rate for all teenagers actively seeking work is 16.5 percent. The unemployment rate for minority teenagers currently seeking employment is, at 36.9 percent, more than double the overall average for teenagers in the United States. So we can see how it will affect minority teenagers more than any others.

According to the "Report of the Minimum Wage Study Commission" in 1981, the last increase in the minimum wage floor, which was enacted in 1977, resulted in the loss of 644,000 jobs among teenagers alone between 1977 and 1981. Economists at Clemson University have estimated that 56 percent of the 750,000 jobs that are predicted to be lost nationally will be teenage jobs, if there is an increase in the minimum wage to $4.65 an hour.

It is clear that teenagers and persons seeking entry-level positions would be the primary victims, through loss of employment, of a significant increase in the minimum wage rate. Certainly, Congress should not deny the very persons who represent our Nation's future the opportuntity to participate in the labor force, by rendering them unemployable.

Mr. President, President Bush has presented an alternative to the measure which we are considering today. It would provide for a graduated increase in the minimum wage rate of 30 cents a year, over the next 3 years. This modest raise in the hourly rate would benefit the households in America, that are both in poverty and headed by a minimum wage earner. The increase proposed by President Bush would have less of a negative impact

than S. 4, on the availability of job opportunities in the broader population that is not stricken by poverty or dependent on a minimum wage earner. However, such an increase would only be effective if it is accompanied by a meaningful training wage for newly hired employees, as proposed by the Bush administration.

Mr. President, Secretary Dole stated, in testimony before the Senate Committee on Labor and Human Resources, that a job training wage for new hires would serve to offset the disemployment effects of the proposed increase, especially in regard to the young people of our country. This differential would provide an equitable means of redress for the disparity of skills of teenagers who are seeking entry level positions in our work force.

President Bush believes that a meaningful training wage should apply to all new hires, regardless of whether or not the employment is their first job. Also, that this pay differential should be effective for 6 months, at a rate of 80 percent of the current minimum wage level, and that it should have provisions for enforcement to protect against the displacement of persons by employers, in order to hire replacement employees after the 6-month training periods have ended. I agree with the President. Accordingly, I support the proposal of the Bush administration.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Connecticut.

Mr. DODD. Mr. President, I am an original cosponsor and strong supporter of S. 4, the Minimum Wage Restoration Act of 1989. I believe that hard-working Americans, earning the minimum wage—or slightly above—deserve a cost-of-living increase as much as any other citizen in this country. Over the last few years, we have managed to support increases for Social Security recipients, and I am proud to have been a part of that. We voted to raise our own salaries in 1987, and we have voted to give Federal employees cost-of-living increases.

Why then do we have such difficulty increasing the minimum wage for the first time in 8 years? Mr. President, why are minimum wage earners any different than any other sector of our society?

The American dream is to have job opportunities and to be self-sufficient. That is axiomatic. We are preventing, however, millions of Americans from reaching their dream when we keep them at a wage worth only $2.40 an hour in 1981 dollars, and that is what the situation is today. We want people to work, yet such a minimum wage does not even get a person with one or more dependents to the poverty level in this country. Moreover, most of them have no health insurance, and that is unacceptable regardless of whether there are only a few hundred thousand or a few million Americans faced with this condition. This fact that there were 5 million Americans who worked full time in 1987 but remained in poverty makes the situation in my view, disgraceful.

My colleague, Senator KENNEDY, and our colleagues on the Labor Committee have not randomly chosen to increase the wage to $4.65 an hour. If the minimum wage had been adjusted with inflation and cost of living, it would be over $4.65 today and close to $5.25 by 1992. Our intent is to restore the value to the wage and not to price workers out of the market. A study of the effects of the preceding wage increases shows no direct correlation between wage increases and job losses.

I strongly urge my colleagues to consider the ramifications of a less than fair increase in the minimum wage. While we have tried to determine an increase that would restore the minimum wage to a living wage, the administration, as we know, has threatened to veto any proposal that does not match its own. In addition to raising the wage to only $4.25 an hour for 3 years, the administration is advocating a training wage for all new hires. While I obviously disagree with the administration on the need for a 6-month training wage and an increase to $4.25 an hour, what disturbs me the most is the unwillingness of the administration to meet us half way.

The administration believes that the 6-month training wage is needed to offset the estimates on the loss of jobs. However, my colleague from Massachusetts has already challenged, and I think successfully, the administration's statistics. I would like to reiterate that the Department of Labor's estimates for the creation of new jobs over the next few years offsets any estimate that has been made about possible job losses due to an increase in the wage.

A 6-month training wage cannot be justified. The administration's own Department of Labor has determined that most jobs paying minimum wage only require 30 days or less of training.

Let me repeat that, Mr. President, because it goes to the heart of their argument. The Department of Labor, not the Labor Committee, not the AFL-CIO, but the Department of Labor has determined that most jobs paying the minimum wage only require 30 days or less of training. Even without the Labor Department's study, it should be easy for each of us to figure out that traditional minimum wage jobs do not require more than a few days or perhaps a few weeks of training.

The administration argues that a training wage will prevent a decrease in the number of jobs available to teenagers. However, many of the jobs traditionally held by teenagers are vacant today. The job market is already feeling the crunch of a shrinking pool of working teenagers in the 15-to-19 age bracket. According to the Census Bureau statistics, there were 1 million fewer teenagers in 1986 than there were in 1980 and those numbers are dropping everyday.

The minimum wage was last increased to $3.35 in 1981. While our Nation has experienced one of the longest periods of economic growth in our history, Americans working at the minimum wage have watched the earning power of their wages decrease. Because the cost of virtually every product and service in our economy has risen while the minimum wage has remained static for 8 long years, the $3.35 an hour minimum wage now amounts, as I said earlier, to $2.40 in 1981 dollars.

The low-minimum wage effectively serves as a government subsidy to employers. Federal health and food stamp programs are often needed to supplement subpoverty level wages. And how many times have we heard the debate on this floor about how we cannot afford to spend more on food stamps, AFDC, assistance programs for children and families in one category or another?

One of the reasons that we have these debates, and one of the reasons that we have increases in those programs, is because for 8 long years we have refused to increase the minimum wage of people living at the poverty level in this country.

Mr. President, by restoring the earning power of the wage, we are in effect helping more workers become self-sufficient, and that is the goal and the purpose behind this increase. In some areas the minimum wage is worth less than families can collect on welfare. Even the best welfare to work efforts are doomed if the recipients earn less working than they could collect from AFDC.

Last year we carefully crafted a welfare reform package. For the new program to work, there needs to be a livable wage for workers. A vote for S. 4, Mr. President, is a vote for the millions of forgotten Americans who help make this Nation competitive. These workers are often not heard in Washington, but they are equally deserving of our attention and support.

We have no right to keep them from earning a livable wage, and we will do exactly that if we settle for the $4.25 being proposed by the administration. An increase in the wage to $4.25 is just not enough and it is going to cost us a lot more than the difference between the administration proposal and S. 4. A training wage for 6 months, as I have pointed out, is just unnecessary.

Mr. President, I hope that in these days we would not spend an inordinate

amount of time arguing about a problem that ought not to be the subject of lengthy debate. Most of us are in agreement that an increase is necessary. Let us see if we cannot come to a figure that is rational and fair; that would make it possible for people to get to work and be self-sufficient.

Finally I urge my colleagues to think about the millions of working Americans who are living in poverty and to join me and others in supporting S. 4.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Connecticut has noted the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. THE majoritry leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 2:15 p.m., on Tuesday, April 11, when the Senate resumes consideration of S. 4, the minimum wage bill, there be 90 minutes of debate equally divided between Senators KENNEDY and HATCH, at the end of which a rollcall vote shall occur on the amendment to be offered by Senator GRAHAM on behalf of himself and Senators PRYOR, MITCHELL, and KENNEDY, with no intervening debate or action.

I further ask unanimous consent that upon the disposition of the Graham amendment Senator HATCH be recognized to offer the administration's alternative package amendment which shall be voted on without any intervening debate or motions, and that in the event the Hatch amendment be agreed to it be considered original text for the purpose of further amendments;

I further ask unanimous consent that no amendment may be offered prior to the disposition of the amendments described in this agreement.

The PRESIDING OFFICER. Is there objection? The Senator from Utah.

Mr. HATCH. Mr. President, reserving the right to object and I do not intend to object except I would like to have this modified. I have no objection to the approach toward the Graham-Pryor-Mitchell-Kennedy amendment, and I presume that that amendment will be voted up or down. Is that correct? That is the intention?

Mr. MITCHELL. That is my expectation, yes.

Mr. HATCH. I assume both amendments will be voted up or down without a motion for tabling, is that right?

Mr. KENNEDY. If the Senator would yield further, I would certainly hope so. That would certainly be my intention.

Mr. HATCH. I would want to incorporate that within the unanimous-consent agreement.

Second, I do think the President deserves an hour and a half to have his amendment debated, although we may not take that much time. And I do not really intend to take that much time but I think we ought to have a little bit of time to do that.

Mr. MITCHELL. This agreement has been the subject of discussion by both sides for several hours.

Mr. HATCH. Oh, we can talk on either one during the 90-minute period?

Mr. MITCHELL. That is what I intend.

Mr. HATCH. That will be all right.

Mr. KENNEDY. That was my understanding.

Mr. HATCH. That will be all right. I would ask the distinguished majority leader to amend the unanimous-consent agreement to provide that both amendments will have up-or-down votes without any intervening amendments.

Mr. MITCHELL. I believe that that is what the agreement now says, where it says the vote shall occur on the amendment.

But, if there is any question about it, I will make that representation to the Senator with the assurance of the chairman of the committee and the proponent of the principal amendment here, and yourself, that it is our intention that the votes be on both amendments, up or down.

Mr. HATCH. That is fine.

Mr. MITCHELL. And during the 90-minute debate prior to the two votes, that the Senator would be free to discuss any amendment that he wishes to.

Mr. HATCH. I think that is fine. I appreciate the efforts of the majority leader and the minority leader to put this together. I appreciate the work of my distinguished colleague from Massachusetts as well as others.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Tuesday, April 11, 1989, at 2:15 p.m., the Senate resume consideration of S. 4, the minimum wage bill, and that there then be 90 minutes debate, equally divided and controlled between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Utah [Mr. HATCH], at the end of which a rollcall vote shall occur on amendment No. 20 by the Senator from Florida [Mr. GRAHAM], for himself and Senators PRYOR, MITCHELL, and KENNEDY, with no intervening debate or action.

Ordered further, That upon the disposition of the Graham amendment, the Senator from Utah [Mr. HATCH] be recognized to offer the administration's alternative package amendment, which shall be voted on without any intervening debate or motion.

Ordered further, That in the event the Hatch amendment is agreed to, it be considered original text for the purpose of further amendment.

Ordered further, That no amendment be in order prior to the disposition of the amendments described in this agreement.

Mr. HATCH. Now, as I understand it, Mr. Majority Leader, the remaining amendments we will just have to handle and hopefully we will put a time agreement together afterward on those but we will just have to handle them during the course of business, so we protect the rights of everybody with regard to remaining amendments?

Mr. MITCHELL. That is correct. It is my hope and expectation that immediately following the disposition of the matters covered in this agreement, that we will then proceed to further amendments and complete action on this bill by the close of business on Wednesday or at the latest on Thursday.

As I said, I described that as my hope and expectation.

Mr. HATCH. Might I just ask one other question? The amendment of the Senator from Florida will be a substitute amendment and it will be pending when we, I guess, begin debate again on Monday. Is that correct? My question is this: If this is pending, then we will have to have time to lay down the President's amendment after that is voted up or down?

Mr. MITCHELL. The agreement, by its express terms which I just presented, says that "Upon the disposition of the Graham amendment, Senator HATCH be recognized to offer the administration's alternative package amendment which shall be voted on without any intervening debate or motions."

Mr. HATCH. That will be fine.

Mr. MITCHELL. So, that is correct.

I yield to the distinguished Republican leader.

SENATE BUSINESS

Mr. DOLE. Mr. President, I wonder if the majority leader might indicate what the program will be for the balance of today and Monday. And also I would indicate to the majority leader that we have started on this side to see if we could get some unanimous-consent agreement on Contra aid.

I know the majority leader wants to finish the minimum wage bill first and I would hope that after we have had these two important votes we do not have 24 more amendments to dispose of or we will be on this all next week.

I think that some of the amendments may go away. But will there be any rollcall votes today?

Mr. MITCHELL. I will be pleased to respond to the distinguished Republican leader. There will be no rollcall votes today.

I will consult with the Republican leader and the chairman and ranking members to determine whether any useful purpose would be served by a session on Monday for purposes of further debate. There will be no rollcall votes on Monday.

It is my hope that we can complete action on the minimum wage bill by the close of business on Wednesday or Thursday.

As the distinguished Republican leader knows, we have discussed this on several occasions.

I expect to have the savings and loan industry bill, the FSLIC bill, ready for action on the Senate floor on Monday, April 17. That is a very high priority item. The President has repeatedly asked us to move promptly on that. It is my hope to do that.

Therefore, the timeframe, the window for the Contra bill, will be after completion of the minimum wage bill and before the FSLIC bill. I expect and hope again that will be next Thursday, but that depends upon completion of the minimum wage bill.

Members should know that we will continue on this legislation until it is disposed of and then, and only then, would we move to the Contra aid bill, but we are moving toward an agreement on time on that, and I would hope that we will be able to dispose of that next Thursday. That is an optimistic scenario, that we finish this on Wednesday night, do the Contra aid bill on Thursday, and then do the FSLIC bill on the following Monday, Tuesday, and Wednesday.

I want to thank the distinguished Republican leader for the cooperation that he has demonstrated in all of these areas in attempting to reach agreement to deal with these in a clear and orderly fashion.

Mr. DOLE. I think the other piece of legislation was the Martin Luther King authorization bill. I understand there will be a number of amendments offered by a Member on this side. I just indicate that for the RECORD. We have that information.

Mr. MITCHELL. It was originally my hope to take up the Martin Luther King reauthorization bill on this coming Monday, but I understand what the distinguished Republican leader has said, and he communicated that to me privately before. Therefore, that makes it not possible to do it in that timeframe, but we will do it as soon as possible.

In the event that time becomes available late next week, if the Contra package takes much less time than would otherwise be the case, then if this minimum wage bill is completed on time or possibly earlier, then we will try to move to that. I will discuss that with the distinguished Republican leader before making any decision in that regard.

Mr. DOLE. I just say again for the record, I urge my colleagues on this side—and I know there are some who are not totally in accord with the President's view on minimum wage, which may be the reason for a number of amendments. Some believe the President may have gone too far, but the President has kept, has fulfilled a promise he made during the campaign, and he has agreed to $4.25 with a 6-month training wage period. Nothing less. As was indicated in the letter I had printed in the RECORD this morning from the President, I urge my colleagues on this side that the President does favor an increase in minimum wage. It is not that he opposes any increase; he favors an increase. In fact, a 90-cent increase over a 3-year period.

So I hope my colleagues on this side would understand we should not delay this bill. We may not prevail. The bill would then be vetoed and hopefully a veto would be sustained. But it seems to me it would be in our interest to move this legislation as quickly as possible and cooperate with the majority leader, and we will make an effort to do that.

Mr. MITCHELL. I thank the distinguished Republican leader.

Mr. PRYOR. Mr. President, I hate to interject myself in the very constructive discussion between the two leaders, but I am wondering if it would be premature to suggest that at a time certain on Tuesday, after we dispose of the two major amendments, or assuming we do dispose of them at that time, that at that time period we may not see if there could not be a time certain set for a debate which may hurry the matters along. I think, if I am not mistaken, most of the amendments are coming from the Republican side and not from the Democratic side.

Mr. MITCHELL. Yes, we will discuss that with the Republican leader, and we are endeavoring to identify all of the amendments. The Republican leader has just made a constructive statement encouraging members on his side not to delay this, and we hope by Tuesday, after the two major amendments, to be able to reach an agreement on the remaining amendments with a time certain for voting on the bill. We are going to make that effort.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 20

(Purpose: to make a perfecting amendment)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. PRYOR, Mr. MITCHELL, and Mr. KENNEDY proposes an amendment numbered 20.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 6, line 5, strike out all that follows "SECTION" through page 14, line 3, and insert in lieu thereof the following:

1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Minimum Wage Restoration Act of 1989".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. RESTORATION OF MINIMUM WAGE.

Paragraph (1) of section 6(a) (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $3.35 an hour during the period ending September 30, 1989, not less than $3.85 an hour during the period beginning October 1, 1989, and ending September 30, 1990, not less than $4.25 an hour during the year beginning October 1, 1990, and not less than $4.55 an hour after September 30, 1991;".

SEC. 3. CHANGE IN ENTERPRISE TEST.

(a) IN GENERAL.—Subsection (s) of section 3 (29 U.S.C. 203(s)) is amended to read as follows:

"(s)(1) 'Enterprise engaged in commerce or in the production of goods for commerce' means an enterprise that—

"(A)(i) has employees engaged in commerce or in the production of goods for commerce, or that has employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person; and

"(ii) is an enterprise whose annual gross volume of sales made or business done is not less than $500,000 (exclusive of excise taxes at the retail level that are separately stated); or

"(B) is an activity of a public agency.

"(2) Any establishment that has as its only regular employees the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise. The sales of such an establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection.".

(b) PRESERVATION OF COVERAGE.—

(1) IN GENERAL.—Any enterprise that on December 31, 1989, was subject to section 6(a)(1) of the Fair Labor Standards Act of

1938 (29 U.S.C. 206(a)(1)) and that because of the amendment made by subsection (a) is not subject to such section shall—

(A) pay its employees not less than the minimum wage in effect under such section on December 31, 1989;

(B) pay its employees in accordance with section 7 of such Act (29 U.S.C. 207); and

(C) remain subject to section 12 of such Act (29 U.S.C. 212).

(2) VIOLATIONS.—A violation of paragraph (1) shall be considered a violation of section 6, 7, or 12 of the Fair Labor Standards Act of 1938, as the case may be.

(c) CONFORMING AMENDMENTS.—

(1) Section 13(a) (29 U.S.C. 213(a)) is amended by striking out paragraphs (2) and (4).

(2) Section 13(g) is amended—

(A) by striking out "paragraphs (2) and" and inserting in lieu thereof "paragraph"; and

(B) by striking out ", except that" and all that follows in such subsection and inserting in lieu thereof a period.

(d) TECHNICAL AMENDMENTS.—Section 3(r) (29 U.S.C. 203(r)) is amended—

(1) by inserting "(1)" after "(r)";

(2) by striking out ": *Provided*, That, within" and inserting in lieu thereof a period and "Within";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by striking out "For purposes of this subsection" and inserting in lieu thereof the following:

"(2) For purposes of paragraph (1)";

(5) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(6) by striking out "public or private or" in subparagraph (A) (as so redesignated).

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1989.

SEC. 4. PUERTO RICO, VIRGIN ISLANDS, AND AMERICAN SAMOA.

(a) SPECIAL INDUSTRY COMMITTEES.—Section 5 (29 U.S.C. 205) is amended—

(1) in the first sentence of subsection (a), by striking out "Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands," and inserting in lieu thereof "American Samoa";

(2) in the second sentence of subsection (a)—

(A) by striking out "such island or islands" and inserting in lieu thereof "American Samoa"; and

(B) by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "American Samoa";

(3) by striking out subsection (e); and

(4) in the section heading, by striking out "PUERTO RICO AND THE VIRGIN ISLANDS" and inserting in lieu thereof "AMERICAN SAMOA".

(b) MINIMUM WAGE.—Section 6 (29 U.S.C. 206) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by striking out all that follows "appoint" through the period at the end of the sentence and inserting in lieu thereof "pursuant to sections 5 and 8."; and

(B) by striking out the second sentence; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c)(1) The rate or rates provided by subsection (a)(1) shall be applicable in the case of any employee in Puerto Rico who is employed by—

"(A) the United States,

"(B) an establishment that is a hotel, motel or restaurant,

"(C) any other retail or service establishment that employs such employee primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs, or

"(D) any other industry in which the average hourly wage is greater than or equal to $4.65 an hour.

"(2) In the case of any employee in Puerto Rico who is employed in an industry in which the average hourly wage is not less than $4.00 but not more than $4.64, the minimum wage rate applicable to such employee shall be increased on October 1, 1989, and each October 1 thereafter through October 1, 1993, by equal amounts (rounded to the nearest 5 cents) so that the highest minimum wage rate prescribed in subsection (a)(1) shall apply on October 1, 1993.

"(3) In the case of an employee in Puerto Rico who is employed in an industry in which the average hourly wage is less than $4.00, except as provided in paragraph (4), the minimum wage rate applicable to such employee shall be increased on October 1, 1989, and each October 1 thereafter through October 1, 1994, by equal amounts (rounded to the nearest 5 cents) so that the highest minimum wage rate prescribed in subsection (a)(1) shall apply on October 1, 1994.

"(4) In the case of any employee of the Commonwealth of Puerto Rico, or a municipality or other governmental entity of the Commonwealth, in which the average hourly wage is less than $4.00 an hour and who was brought under the coverage of this section pursuant to an amendment made by the Fair Labor Standards Amendments of 1985 (Public Law 99-150), the minimum wage rate applicable to such employee shall be increased on October 1, 1989, and each October 1 thereafter through October 1, 1995, by equal amounts (rounded to the nearest 5 cents) so that the highest minimum wage rate prescribed in subsection (a)(1) shall apply on October 1, 1995.".

(c) WAGE ORDERS.—Section 8 (29 U.S.C. 208) is amended—

(1) in the first sentence of subsection (a), by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "American Samoa";

(2) by striking out the second sentence of subsection (a);

(3) in the third sentence of subsection (a)—

(A) by striking out "Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands," and inserting in lieu thereof "American Samoa"; and

(B) by inserting before the period at the end of the sentence ", and who but for section 6(a)(3) would be subject to the minimum wage requirements of section 6(a)(1)";

(4) in the third sentence of subsection (b)—

(A) by striking out "Puerto Rico or in the Virgin Islands" and inserting in lieu thereof "American Samoa";

(B) by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "American Samoa"; and

(C) by striking out "section 6(c)" and inserting in lieu thereof "section 6(a)(3)"; and

(5) in the section heading, by striking out "PUERTO RICO AND THE VIRGIN ISLANDS" and inserting in lieu thereof "AMERICAN SAMOA".

(d) EMPLOYMENT UNDER SPECIAL CERTIFICATES.—Section 14(b) (29 U.S.C. 214(b)) is amended by striking out "(or in" and all that follows through "section 6(c))" each place it appears in paragraphs (1)(A), (2), and (3).

SEC. 5. TIP CREDIT.

Effective October 1, 1989, the third sentence of section 3(m) (29 U.S.C. 203(m)) is amended by striking out "in excess of 40 per centum of the applicable minimum wage rate," and inserting in lieu thereof "in excess of (1) 45 percent of the applicable minimum wage rate during the year beginning October 1, 1989, and (2) 50 percent of the applicable minimum wage rate after September 30, 1990,".

SEC. 6. TRAINING WAGE.

(a) IN GENERAL.—

(1) AUTHORITY.—Any employer may, in lieu of the minimum wage prescribed by section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), pay an eligible employee the wage prescribed by paragraph (2) while such employee is engaged in on-the-job training.

(2) WAGE RATE.—The wage referred to in paragraph (1) shall be a wage—

(A) of not less than $3.35 an hour during the year beginning October 1, 1989; and

(B) beginning October 1, 1990, of not less than $3.35 an hour or 85 percent of the wage prescribed by section 6 of such Act, whichever is greater.

(b) WAGE PERIOD.—An employer may pay an eligible employee the minimum wage authorized by subsection (a) for a period that—

(1) begins on or after October 1, 1989;

(2) does not exceed the time period referred to in subsection (g)(1)(B); and

(3) ends before September 30, 1992.

(c) WAGE CONDITIONS.—No eligible employee may be paid the wage authorized by subsection (a) by an employer if—

(1) any other individual has been laid off by such employer from the position to be filled by such eligible employee or from any substantially equivalent position; or

(2) such employer has terminated the employment of any regular employee or otherwise reduced the number of employees with the intention of filling the vacancy so created by hiring an employee to be paid such wage.

(d) LIMITATION.—During any month in which employees are to be employed in an establishment under this section, the proportion of employee hours of employment to the total hours of employment of all employees in such establishment may not exceed a proportion equal to one-fourth of the total hours of employment of all employees in such establishment.

(e) NOTICE.—Each employer shall provide to any eligible employee who is paid the wage authorized by subsection (a) a written notice stating the requirements of this section and the remedies provided by subsection (f) for violations of this section. The Secretary shall provide to employers the text of the notice to be provided under this subsection.

(f) ENFORCEMENT.—Any employer who employs an employee in violation of the requirements of this section shall be considered to have violated section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215). Sections 16 and 17 of such Act (29 U.S.C. 216 and 217) shall apply with respect to the violation.

(g) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an employer an individual who—

(A) is not a migrant agricultural worker or a seasonal agricultural worker (as defined in paragraphs (8) and (10) of section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802 (8) and (10));

(B) has not previously worked for an employer or employers in employment for which payroll taxes have been withheld;

(C) has not worked at least 30 days with one such employer; and

(D) has not worked a cumulative total of 60 days or more with all such employers,

except that such individual is responsible for providing the requisite proof of previous period or periods of employment with other employers.

(2) ON-THE-JOB TRAINING.—The term "on-the-job training" means training offered to an individual while employed in productive work that provides knowledge, technical skills, and personal skills essential to the full and adequate performance of such employment.

(h) REPORT.—The Secretary of Labor shall report to Congress not later than January 1, 1993, on the effectiveness of the wage authorized by this section. The report shall include—

(1) an analysis of the impact of such wage on employment opportunities for inexperienced workers;

(2) any reduction in employment opportunities for experienced workers resulting from the employment of employees under such wage;

(3) the nature and duration of the training provided under such wage; and

(4) the degree to which employers used the authority to pay such wage.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I might proceed as in morning business for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION RESPONSE TO "EXXON VALDEZ" DISASTER

Mr. MURKOWSKI. Mr. President, I would like to share with my colleagues the significant activity associated with the administration's response to the Alaska delegation and the Governor of Alaska's request for assistance with regard to the unfortunate disaster associated with the *Exxon Valdez* and the resulting oilspill which took place in Prince William Sound.

Mr. President, as a consequence of 2 full days of almost full attention by the White House, this morning the President announced a series of assistance programs for oil cleanup for the State of Alaska in conjunction with that particular accident. I think it is significant to note, Mr. President, that Secretary of Transportation Skinner; the Environmental Agency head, Reilly; the Coast Guard Commandant, Admiral Yost; and Secretary of Defense Cheney were at the press conference and the meeting this morning. I would like to outline for my colleagues very briefly the expanse of the particular assistance which Alaskans can expect.

The President indicated that the Secretary of Transportation will serve as the President's personal liaison to the cleanup effort. The Secretary of Transportation will be responsible for mobilizing and coordinating all Federal departments and agencies as necessary. Adm. Paul Yost, of the Coast Guard, and Vice Adm. Clyde Robbins will assume personal onsite direction of the cleanup effort, working with Exxon and, of course, our Governor in Alaska.

The Department of Defense has been directed by the President to make available all facilities, equipment, and personnel that can be effectively utilized in assisting the cleanup of spilled oil. Planning for this effort, which will be coordinated by Maj. Gen. J.D. Smith, the Director of Military Support, has already begun. Elements of all military services will be available as necessary to support oil cleanup operations. The operations that are anticipated will include utilization of armed forces ground personnel in the cleanup of affected beach areas, additional personnel and equipment to assist in skimming and booming activities related to oil in the sound and the construction of facilities for cleaning and military personnel participating in the cleanup efforts. As onsite coordinator of cleanup efforts, the Coast Guard has been assured of the availability of necessary Department of Defense assistance.

It has been charged by the President with the responsibility of utilizing the maximum predictable effort to begin restoration of affected land and water areas. Use of the military forces will not displace civilian employment by the company responsible, the Exxon Corp., or by Federal agencies.

By constructing facilities in remote areas, the military efforts will facilitate future work of civilian personnel in cleanup related work.

Third, Mr. President, the President of the United States calls on Exxon to increase the number of civilian employees and locally owned vessels employed in the oil cleanup operations.

The President believes that a simple and expeditious claims procedure should be established by Exxon for those damaged as a result of the spill. This assistance should include temporary funds pending resolution of permanent claims.

The President of the United States has directed that a program for volunteers willing to assist cleanup efforts be established during the coming summer months. Volunteers and other civilian assistants will supplement military personnel in the cleanup operations. In addition to these immediate cleanup efforts the President has named EPA Administrator William Reilly to coordinate efforts to promote the long-term revival of the ecology of Prince William Sound. EPA will draw on the expertise of leading scientists and oil spill experts in developing long-range recovery plans.

As we know, Mr. President, there have been many tragic oil spills throughout the world. The opportunity to learn from over a 10-20 year period of observation and reports of leading scientists will indeed be very valuable. It is hoped that these people can go up to Alaska, meet with our scientists, the members of NOAA, the National Oceanographic and Atmospheric Administration, meet with our mayors, and tell our people what they might expect from the standpoint of what is going to happen next week, next month, next year, 5 years, 10 years. NOAA, as an agent of the Department of Commerce, as well as the Department of Interior, and the Department of Agriculture have already commenced the scientific assessment of the ecological damage from the oil spill and the development of a plan for long-run restoration and rehabilitation and replacement of the damaged natural resources. As part of this effort, the Departments will assist in the development plans for restoring fish and wildlife stock habitat. The President will shortly submit comprehensive oil spill liability and compensation legislation, and he urges Congress to consider and act upon such legislation promptly.

In addition, the President believes that ratification of the pending international oil spill agreements should receive priority attention by the Senate.

The President has also directed the Small Business Administration to be prepared to respond to an appropriate request from Alaskan State authorities to make economic injury assistance loans available to those persons who may not be eligible for loan programs provided by Exxon or other sources. The tragic consequences of the *Exxon Valdez* situation have demonstrated the clear inadequacy of contingency planning for emergencies of this type. As a result, the President has directed a review of contingency plans of this type nationwide to determine their adequacy in light of the lessons of this situation and the critical importance of an adequate capacity for a timely response. The national response team established pursuant to the Clean Water Act has been directed to undertake this reevaluation of existing planning and to report findings and recommendations within 6 months.

Mr. President, the President of the United States in his statement this morning indicated that the oilspill in Prince William Sound, simply put, "Is one of the greatest environmental tragedies in American history with more than 10 million gallons of oil

going into the waters of the sound. The spill has been deadly to marine life, mammals, and birds at a very substantial scale. Adding to the threat of the situation was the possibility that more than 40 million additional gallons of oil still in the ship might have been discharged if further damage to the ship still on the reef in exposed waters had occurred."

Fortunately, that was not the case. The remaining oil from the *Exxon Valdez* has now been unloaded to the extent possible and the tanker refloated. Thus, the danger of this tragedy which could have been magnified by several times in size has now been removed. I am again referring to the statement by the President. "Now is the time to focus private and public resources on the job of cleaning up the oil, protecting the fragile areas from the spreading pollution, and restoring damaged areas."

The Exxon Corp., Mr. President, has acknowledged its responsibility and it will be held strictly accountable for all damages caused by this incident to the maximum extent of the law. Exxon is currently conducting extensive operations designed to recover spilled oil. In addition to Exxon's current efforts, a substantial Federal response has been mounted, coordinated by the U.S. Coast Guard, which at present has some 400 Coast Guard personnel involved as well as vessels, aircraft, helicopters, and large quantities of equipment. The President has determined, however, that this effort should be expanded, and he has today directed, as I have indicated, a series of additional measures.

Further, Mr. President, I think it is significant to note that there was a series of priorities involved in this unfortunate accident. Clearly the Alaska delegation, Senator STEVENS, Representative YOUNG, and myself, is very pleased to see the response by the administration and the manner in which we have now the involvement of virtually all Federal agencies including the Department of Defense as represented by Secretary of Defense Cheney who was at the meeting.

Further, since we have identified that the oil is now out of the tanker, the tanker is now off the reef and has been moved to an area where it is being patched up, the next priority is to clean up and that is going to be very difficult. With the availability of the military, the Air Force National Guard, joining with the Coast Guard and the Army, of course, we can direct our attention to putting in facilities, because there are no roads in this area, Mr. President—these are islands, beautiful areas, totally inaccessible.

You can only go in there by vessel and then you must have some facilities. The weather can be very tough this time of year with snow, squalls, storms, and so forth. What we need is berthing barges. Hopefully, they will be brought in by the Navy from Bremmerton, and other areas on the west coast, but that is going to take 10 days.

The suggestion was made that we bring in a military capability, perhaps the Army, the 6th Light Infantry Division that is in Fairbanks and Anchorage as well as the National Guard, bring those people down temporarily and have them put up tents.

The idea is to have temporary tents on the beach so that the people involved in the cleanup can go in, wash up, and take care of some of the birds and sea otters that, unfortunately, have been affected. We need those facilities, the availability of the military to transport back and forth, and, of course, the involvement of our Alaska private sector in tugs.

We hope to be able to attract from southeastern Alaska from the logging industry some of their facility, utilization of small tugs, and various types of barges that they have used in the logging camps to house personnel so we can get people out there. It is not good enough to put them on the boat. You must have available facilities. They are a long, long way, 60, 70, 80, 100 miles out from Valdez because of the extensiveness of the area of concern in Prince William Sound.

Further, the significance of the President directing SBA has been met with enthusiasm by Alaskans because a lot of Alaskans do not know what to expect.

For example, you might have a fisherman who has to buy a new engine this year. He does not know if he is going to be able to fish this year simply because he does not know what the impact of the spill is going to have on the salmon running later on this summer. We know the herring fishery has already been closed. So he has no income from that.

Let us take a case where his boat broke down and he needs a new engine. He would ordinarily go to the bank. The bank does not know whether to lend him the money because there might be a fishing season. With SBA now geared in to address this area, we intend to work with our constituents in Alaska who have the extraordinary cases where the damage is not ascertained now.

It is not like a hurricane or a fire where you know what the damage is. It is what nature will dictate the damage to be when we know the full extent of the spill. So with SBA in there, as well as Exxon, addressing the issue and concerns of Alaskans, I think we have passed a major hurdle. That is why I am so pleased that we can expect this kind of participation by the Federal Government.

Further, with the EPA Director really directing the revival of the ecology of the bay, we can get an ongoing commitment from the best scientists in the land as to how this area can come back and be productive. Of course, we are very concerned over the issue of contingency and containment plans, obviously. This was not adequate. The idea of moving the oil from Valdez to the markets along the west coast did not address a spill of this magnitude. That is why we have asked, and I personally asked the Secretary of the Interior, Manuel Lujan, to withhold any further action from any proposed lease sales in lease sale 92 until we have had an opportunity to review the containment and contingency plans.

I want to make sure that my colleagues understand we are still looking to Exxon for the liability associated with this and they have acknowledged that liability. We are requesting that under the long-term revival of the ecology that a pool of funds be made available by Exxon to address this.

The current funds in the pipeline liability fund are about $300 million. In addition Exxon has the availability of some $400 million of pool insurance. So fortunately, we have a situation here where those responsible do have the means to address the extent of the spill.

Finally, Mr. President, as far as trying to address the concerns of our constituents, Senator STEVENS, DON YOUNG, and I have met with Exxon. They have agreed to come in to Washington and bring their people here very shortly which was to be done right after the tanker got off the rocks, so we can bring to them the case histories of our Alaskans who are frightened. They are discouraged. They do not know which way to turn because their future is jeopardized—and say these are the kinds of things you are going to have to address as you meet the responsibilities associated with this spill.

There has been continued concern over the oil that is still at sea. There is a substantial amount out there, maybe as much as 2 or 3 or 4 million gallons, and it is floating out beyond Prince William Sound now. It is out in the Gulf of Alaska. It is moving north. It is off Point Gore. It is some 10, 12 miles off the mouth of Resurrection Bay, which is the Seward area. It is going toward Kodiak, toward Shelikof Straits. We do not have the capability to mop up oil on the high seas. We have never done it. But we have to address new technology.

I am very pleased the Coast Guard is curerntly moving booms into the area of Kodiak. They have already alerted the area associated with Seward. We hope the oil does not move up there. Of course, it is dispersing. But nevertheless, it remains a significant threat.

Mr. President, that is the current situation with regard to the spill. I am again very pleased that our President

saw fit to utilize the capabilities of his Cabinet in addressing with dispatch the next phase of this terrible disaster, and that is associated with the cleanup as well as the rehabilitation of the area, as well of course, the unfortunate human disaster associated with those that maintain their lifestyle and their livelihood from fishing, and those that are involved in tourism and other things that directly affect the area of Prince William Sound.

I think we can all learn a great deal from this, Mr. President. But we must keep in mind that nearly half of the oil that moves in the United States moves by a vessel of some type. Most of it is foreign tankers coming into the United States. The only U.S. flag vessel movement of any consequence is the movement of Alaskan oil from Alaska down the west coast of the United States, and some of that oil moves through the Panamanian pipeline on the Atlantic side and into the gulf.

So my point is that we are dependent on moving oil by tanker in the United States as we are in the world with over 50 percent of our oil moving by tanker throughout the world. So this risk does exist. This risk must be reexamined.

This risk must be reduced and lessons learned must be put forth in tightening up restrictions so that we never have aloofness associated with how this accident occurred.

Mr. President, at a later date I intend to share with my colleagues the specifics with regard to how this happened. I can tell you right now it was a consequence of Murphy's law. Everything that could go possibly wrong went wrong. The backup systems did not work. The contingencies were inadequate. The manner in which the tanker went on the rocks was one that the engineers had not predicted. There was just a simple series of these things that occurred. But the fact is they did occur. The damage is done. Now we are faced with a real situation, a tragedy, and a calamity. But we are doing something about it.

I am pleased to say on behalf of my colleagues on the delegation, Senator STEVENS and Representative DON YOUNG, and our Governor, that we have communicated the concers to the people of Alaska for action. The President has heard those concerns and met them in the action that has been initiated today from the White House.

In behalf of all Alaskans, Mr. President, we are most grateful. We will keep you and our other colleagues informed as this matter progresses.

I thank the Chair. I thank him for the allotted time as well in the extension.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-858. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Allied Contributions to the Common Defense"; to the Committee on Armed Services.

EC-859. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law the annual report on the Panama Canal treaties for fiscal year 1988; to the Committee on Armed Services.

EC-860. A communication from the Deputy Assistant Secretary of Defense (Resource Management and Support), transmitting, pursuant to law, the Officer Flow annex to the Defense manpower report for fiscal year 1990; to the Committee on Armed Services.

EC-861. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report of the Council for 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-862. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration for 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-863. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1988; to the Committee on Commerce, Science, and Transportation.

EC-864. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-865. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the fourth annual report on U.S. coal imports; to the Committee on Energy and Natural Resources.

EC-866. A communication from the Federated States of Micronesia Representative to the United States, transmitting, pursuant to law, the first annual report on the activities initiated and supported under the Compact of Free Association; to the Committee on Energy and Natural Resources.

EC-867. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, informational copies of two proposed lease prospectuses; to the Committee on Environment and Public Works.

EC-868. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 30, 1989; to the Committee on Foreign Relations.

EC-869. A communication from the U.S. Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the annual report on the internal controls and financial systems of the Commission for fiscal year 1988; to the Committee on Government Affairs.

EC-870. A communication from the Executive Director of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report on internal control and financial systems of the Council for fiscal year 1988; to the Committee on Governmental Affairs.

EC-871. A communication from the Chairman of the Board of Governors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority under the Government in the Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-872. A communication from the Deputy Under Secretary of Education (Planning, Budget, and Evaluation), transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-873. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report of the Agency on competition advocacy for fiscal yeqr 1988; to the Committee on Governmental Affairs.

EC-874. A communicatcn from the Chairperson of the Advisory Panel on Alzheimer's Disease, transmitting, pursuant to law, the first report of the Panel; to the Committee on Labor and Human Resources.

EC-875. A communication from the Presiding Officer of the Advisory Council on Education Statistics, transmitting, pursuant to law, the fourteenth annual report of the Council covering fiscal year 1988; to the Committee on Labor and Human Resources.

EC-876. A communication from the Secretary of Education, transmitting a draft of proposed legislation to amend the Education of the Handicapped Act to reauthorize certain programs, to combine the authorities for projects serving deaf-blind children and other severely handicapped children, to reauthorize various discretionary programs, and for other purposes; to the Committee on Labor and Human Resources.

EC-877. A communication from the Director of Income Security Issues (Disability and Welfare), General Accounting Office, transmitting pursuant to law a report entitled "Immigration Reform Federal Programs Show Progress in Implementing Alien Verification Systems"; to the Committee on the Judiciary.

EC-878. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department of Housing and Urban Development under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-879. A communication from the Acting Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Farm Credit Administration under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-880. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, a report on cases granted equi-

table relief in calendar year 1988; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-48. A resolution adopted by the Senate of the State of Ohio; to the Committee on Finance:

"RESOLUTION

"Whereas, the members of the Senate of the 118th General Assembly of Ohio urge the 101st Congress and the President of the United States to support prompt and effective extension of the steel Voluntary Restraint Arrangements; and

"Whereas, in 1984, steel imports equaled approximately twenty-five percent of the United States steel market, and, in an attempt to aid domestic producers, President Ronald Reagan endorsed negotiations with major foreign steel suppliers concerning voluntary agreements which would limit shipments of steel to the United States. Since 1984, when the Voluntary Restraint Arrangements were first instituted, conditions abroad have changed very little, and the underlying economic condition of the domestic steel industry remains fragile; and

"Whereas, since their inception, the Voluntary Restraint Arrangements have enabled domestic steel producers to improve their international competitiveness, yet despite these gains, foreign producers continue to receive massive subsidies from their governments, foreign steel markets are still tightly restricted to imports, foreign producers continue to "dump" steel imports at artificially low prices, and there remains a structural imbalance between world steel supply and demand. Indeed, the domestic steel industry's continued profitability will be severely threatened if surges of unfairly traded imports are allowed to resume; and

"Whereas, a healthy domestic steel industry is critical to America's national security, industrial base, and infrastructure, unfortunately, however, the United States steel industry continues to lag behind other foreign steel industries in such vital areas as product yield, energy efficiency, and continuous casting rate. In order to assure ongoing worker retraining, reinvestment in new plants and equipment, and modernization of operations, it is imperative that Voluntary Restraint Arrangements be extended for five years; therefore be it

"*Resolved,* That we, the member of the Senate of the 118th General Assembly of Ohio, in adopting this Resolution, urge the 101st Congress and the President of the United States to extend the steel Voluntary Restraint Arrangements for five years; and be it further

"*Resolved,* That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the President of the United States, to the Speaker of the Ohio House of Representatives, to the President of the United States Senate, and to the Ohio Congressional Delegation."

POM-49. A concurrent resolution adopted by the Legislature of the State of Utah; to the Committee on Energy and Natural Resources:

"H. CON. RES. 12

"Whereas it has been proposed that more than five million acres of federal land in Utah be designated as Bureau of Land Management wilderness;

"Whereas the proposal would add to the almost six million acres of Utah land now being managed for single use;

"Whereas Utah already has an enormous amount of land in five national parks, designated wilderness areas, recreation areas under park service or forest service jurisdiction, bombing and gunnery ranges under Department of Defense jurisdiction, and Indian reservation, which wilderness;

"Whereas since the Bureau of Land Management has not yet made a recommendation it would be premature for Congress to interfere in the process and designate further Utah land as wilderness;

"Whereas the Bureau of Land Management may recommend further lands in Utah for wilderness designation;

"Whereas if after the study process is completed, it is determined that further protection is needed of certain federal lands, the multiple use potential of those lands should be preserved by managing them using administrative procedures allowed by current law, rather than through congressional designation as wilderness;

"Whereas land should only be protected if it has been scrutinized and determined to be a unique area, is not a duplication of values protected in other proposed or designated wilderness, and meets the legal standards established by Congress;

"Whereas many of the 3.2 million acres inventoried and proposed as wilderness do not have unique characterics, and do not meet the legal criteria for wilderness; and

"Whereas given the fact that designation as wilderness or as an "area of critical environmental concern" seriously impacts the economy of the area and of the state, it is essential that such designation be carefully considered.

"Whereas therefore, be it resolved that the Legislature of the state of Utah, the Governor concurring therein, declares its opposition to congressional consideration of designation of additional wilderness until the Bureau of Land Management completes its study and makes its final recommendations."

Be it Further Resolved that the Legislature and Governor prefer that no additional lands in Utah be designated as wilderness, and declare their opposition to the designation of any lands as wilderness that do not meet the legal criteria established by Congress for wilderness.

Be it Further Resolved that if certain lands in Utah are appropriate for protection because they are unique, or because they contain features unlike other wilderness lands, that those lands should be administratively protected by the Bureau of Land Management, rather than designated as wilderness.

Be it Further Resolved that in the designation of any Utah lands as wilderness or "areas of critical environmental concern," consideration be given to the impact of the designation on local and state economies.

Be it Further Resolved that the Legislature and Governor oppose any designation of land that would include or affect the revenues from state and institutional trust lands.

Be it Further Resolved that copies of this resolution be prepared and sent to the director of the Bureau of Land Management, the Secretary of the Interior, the President of the United States, the members of Utah's congressional delegation, the Vice-President of the United States, and the Speaker of the United States House of Representatives.

POM-50. A concurrent resolution adopted by the Legislature of the State of Utah; to the Committee on Energy and Natural Resources:

"H. CON. RES. 5

"Whereas a battle between a band of the Northwestern Shoshone Indians and members of the California Volunteers under the command of Colonel Patrick Edward Connors, U.S. Army, Military District of Utah took place on January 29, 1863, on the Bear River about four miles northwest of the present-day Preston, Idaho;

"Whereas between 250 and 300 Shoshone Indians, including men, women, and children were killed or wounded at Bear River, making it one of the first, and one of the largest, Indian battles west of the Mississippi;

"Whereas because the Battle of Bear River occurred during the Civil War it has been largely ignored by historians;

"Whereas the Bear River—Battle Creek Monument Committee has been formed for the purpose of obtaining national recognition for the battle in the form of a national monument commemorating this historic event and the site where it took place; and

"Whereas during November and December 1986, the board of county commissioners of Franklin, Caribou, Bear Lake, and Bannock Counties of Idaho and Cache, Box Elder, and Rich Counties of Utah passed a resolution endorsing and supporting the committee in its efforts to commemorate the Battle of Bear River and urging the state and federal governments to study the establishment of a national monument at Bear River.

"Now, therefore, be it resolved by the Legislature of the state of Utah, the Governor concurring therein, requests that the National Park and all other appropriate state and national agencies study and take under advisement the establishment of a national monument at the site of the Battle of Bear River.

"Be it further resolved that copies of this resolution be sent to the congressional delegations representing Utah and Idaho in the Congress of the United States and the Director of the National Park Service."

POM-51. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Finance:

"H. CON. RES. 33

"Whereas the State of Indiana, its local governments, and the other political subdivisions of Indiana historically have issued bonds to provide for public needs not otherwise provided for by available funds, including public conveniences and necessities such as roads, public buildings, sewers, water, gas and electric utilities and related facilities, and schools; and

"Whereas the interest on such bonds has been free of taxation under federal income tax laws; and

"Whereas the United States Supreme Court has recently determined that the issuance of tax exempt bonds by state and local governments, and their political subdivisions is not protected by the United States Constitution, but is left to the decision making process of the legislative branch of the United States Government; and

"Whereas the United States Congress over the past decades has time after time restricted the purposes for which tax exempt bonds can be issued and has made more difficult and costly the methodologies that

must be used in issuing tax exempt bonds; and

"Whereas it is in the best interest of the citizens of state and local governments and their political subdivisions that tax exempt financing remain available for state and local governments and their political subdivisions as an indispensable way in which they can continue to provide necessary public services and facilities; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. That this body opposes any further restrictions in existing federal laws or regulations impeding or limiting the issuance of tax exempt bonds by state and local governments and their political subdivisions.

"SEC. 2. That this body supports federal legislation that will allow Indiana's citizens to benefit from the continued availability of tax exempt bonds for public purposes and supports amending the Internal Revenue Code to permit greater utilization of tax exempt financing by state and local governments and their political subdivisions.

"SEC. 3. That this body urges the Indiana delegation to the One Hundred First United States Congress, the House Ways and Means Committee, the Senate Finance Committee and the members of those committees to implement this Resolution.

"SEC. 4. That copies of the Resolution be sent to the presiding officers and to the majority and minority leaders of both houses of Congress, to each member of Congress representing the people of Indiana, to the House Ways and Means Committee and each member of that committee, and to the Senate Finance Committee and each member of that committee."

POM-52. A joint resolution adopted by the Legislature of the State of Iowa; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 7

"Whereas the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two-thirds of both Houses concurring, That the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

" '(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

" 'ARTICLE

" 'No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.'

"Whereas Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the General Assembly of the State of Iowa; and

"Whereas the proposed amendment to the Constitution of the United States has already been ratified by the Legislatures of the following States in the years indicated: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hamsphire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Montana in 1987; Connecticut in 1987; Arkansas in 1987; Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; and Louisiana in 1988; and

"Whereas Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

"Whereas the United States Supreme Court has ruled in Coleman v. Miller, 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by States at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the adoption of the amendment; now therefore,

"Be it resolved by the General Assembly of the State of Iowa: That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

"Be it further resolved, That the Governor of the State of Iowa forward certified copies of this resolution over the seal of the State of Iowa to the Archivist of the United States, and to the presiding officers of the Senate and House of Representatives of the United States.

"Be it further resolved, That the General Assembly of the State of Iowa urges the State Legislatures of those States which have not done so to follow Iowa in ratifying the proposed amendment and that, as an incentive for them to do so, copies of the foregoing preamble and resolution be transmitted to those State Legislatures."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 100th Congress By The Committee on Veterans' Affairs" (Rept. No. 101-16).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 727. A bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself, Mr. BOND, and Mrs. KASSEBAUM):

S. 728. A bill to amend the Hazardous Materials Transportation Act regarding the transportation of certain materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. DANFORTH, and Mr. BOND):

S. 729. A bill to assure additional protection in connection with the transportation of radioactive materials; to the Committee on Commerce, Science, and Transportation.

By Mr. COATS:

S. 730. A bill to request the President to award gold medals on behalf of Congress to Frank Capra, James M. Stewart, and Fred Zinnemann, and to provide for the production of bronze duplicates of such medals for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

S. 731. A bill to request the President to award a gold medal on behalf of Congress to Robert Wise and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself, Mr. LOTT, Mr. SANFORD, and Mr. MCCAIN):

S. 732. A bill to implement the recommendations of the Interagency Committee and the Technical Study Group on Cigarette and Little Cigar Fire Safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 733. A bill to prohibit the importation of assault weapons and certain accessories; to the Committee on Finance.

By Mr. BREAUX:

S.J. Res. 97. Joint resolution to propose an amendment to the Constitution of the United States to protect the cultural rights of all Americans; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 95. Resolution to direct the Senate Legal Counsel to represent the Senate, Senators SANFORD, HEFLIN, and WALLOP, former Senator Stennis, and a Senate employee in the case of Candis O. versus United States Senate et al.; considered and agreed to.

S. Res. 96. Resolution to authorize testimony by two Senate employees in the case of United States v. Gregory Sitzman, et al.; considered and agreed to.

By Mr. HELMS (for himself, Mr. GRAMM, Mr. DOLE, Mr. BOND, Mr. GRAHAM, Mr. GRASSLEY, Mr. MACK, Mr. METZENBAUM, Mr. WILSON, Mr. LAUTENBERG, Mr. BOSCHWITZ, Mr. NICKLES, Mr. PACKWOOD, Mr. HEINZ, Mr. DOMENICI, Mr. MCCAIN, Mr. SYMMS, Mr. D'AMATO, Mr. PRESSLER, Mr. HATCH, Mr. HUMPHREY, Mr. COATS, Mr. BURNS, and Mr. KASTEN):

S. Res. 97. Resolution expressing the sense of the Senate regarding Palestine Liberation Organization terrorism; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 727. A bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal

acts; to the Committee on Agriculture, Nutrition, and Forestry.

ANIMAL RESEARCH FACILITIES PROTECTION ACT

Mr. HEFLIN. Mr. President, the Animal Research Facility Protection Act, legislation I introduced today, is designated to deter crimes committed against the great research institutions of this country. The fact that the United States is the preeminent leader in contributing lifesaving cures and life-improving treatment for the diseases which plague the world, should be a source of pride for our citizens. Most of us are grateful that animal research helped lead to the eradication of polio and other childhood diseases and provided relief from the suffering caused by heart disease, stroke, diabetes, and countless other illnesses. We are grateful, too, that scientists continue to seek solutions to the maladies which still beset us, like Alzheimer's disease, AIDS, cancer, mental illness, spinal cord, and head injuries.

Unfortunately, there are some people so opposed to the use of animals in this essential research that they are setting fire to research facilities or breaking into laboratories to steal animals and destroy equipment, records and research data. There are dozens of recent examples. The latest incident occurred this week.

Early Monday morning, April 2, two separate buildings at the University of Arizona were set ablaze and destroyed—ironically one arson target was a veterinary diagnostic laboratory devoted to animal health care and the other was the office of university veterinarians who take care of the laboratory animals. Two additional University of Arizona laboratories were broken into and vandalized. Hundreds of research animals were stolen. Some of the mice taken were infected with an organism—cryptosoridum—which causes dehydration and death in Third World peoples. In this country, malnourished children, AIDS patients and other people with compromised immune systems who may be exposed to the stolen animals are at risk for disease.

A group calling itself, "the Animal Liberation Front" claimed responsibility for the arson, theft, and intimidation. Their press release claimed the Arizona raid was conducted as "as act of mercy and compassion for the individual animal victims and also as part of a larger international campaign against the scientific and medical industry. * * *" Similar illegal acts in the name of animal rights have occurred across the country. Their frequency and severity are escalating in the United States.

In Great Britain, where the pattern of illegal animal protest predates our own, bombs have been planted in researchers' cars and in university buildings. In this country many death threats and other harassment of researchers are not reported by the press in order to protect scientists and their families. Scientists from the research facilities in my own State tell me that the situation has worsened.

The victims of the illegal acts of animals liberation supporters are not only research institutions and staff but all of us. The immediate cost of crimes against research facilities is severe, but the ultimate cost to society as a whole is inestimable. Lost research time and information means the delay or loss of the products of that research. The real price of the crime my legislation seeks to prevent is paid by all those who are waiting for cures and treatment for their afflictions. Human beings, or course, will pay the price, but so will all animal life, for animals as well as people benefit from research.

Extremists who perpetrate crimes in the name of animal rights ignore not only the rights of others, but also their own rights of free speech. Responsible dissent is protected by law—none of us would have it any other way.

But ideological terrorists and vigilantes who take the law into their own hands must be stopped. Everyone can agree that we owe an enormous debt to research animals. Laboratory animals should be utilized only when necessary and must be well cared for and respected for humane as well as scientific reasons. But no one can condone lawless and senselessly destructive acts for whatever reason they are motivated.

The Animal Research Facility Protection Act is needed to support law enforcement efforts around the country. Crimes against the Nation's research facilities should be Federal offenses. The Federal investigative capability and legal system must be brought to bear against research sabotage that threatens the future health of the Nation. No single State is able to provide the legal protection required to combat crime arising from interstate and possibly even international saboteurs.

The criminals responsible for Monday's arsons, thefts, and public health threat in Arizona say that concrete and steel doors will not stop them. They say they will keep coming back until all research with animals is stopped. Their attitude is an affront to common sense. I contend that it is the animal terrorists that must be stopped before they cause any more harm to the public and the animals they purport to protect.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1989".

SEC. 2. FINDINGS.

Congress finds that—

(1) there has been an increasing number of illegal acts committed against animal facilities;

(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research;

(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

(4) these actions may substantially damage federally funded research;

(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

SEC. 3. PROHIBITED ACTS.

It shall be unlawful for any person—

(1) to release, steal, or otherwise intentionally cause the loss of any animal from a research facility;

(2) to damage, vandalize, or steal any property in or on a research facility;

(3) to obtain access to a research facility by false pretenses for the purpose of performing acts not authorized by that facility;

(4) to break and enter into any research facility with an intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, or animals;

(5) by theft or deception knowingly to obtain control that is unauthorized or to exert control that is unauthorized over records, data, material, equipment, or animals of any research facility for the purpose of depriving the rightful owner or research facility of the records, material, data, equipment, or animals or for the purpose of using, concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) to possess or use records, material, data, equipment, or animals or in any way to copy or reproduce records or data of a research facility knowing or reasonably believing such records, materials, data, equipment, or animals to have been obtained by theft or deception or without authorization of the research facility; or

(7) to enter or remain on a research facility with the intent to commit an act prohibited under this section.

SEC. 4. PENALTIES.

(a) IN GENERAL.—Any person who violates any provision of section 3 shall be subject to a fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

(b) RESTITUTION.—

(1) COST.—The United States District Court or the United States Magistrate, as

the case may be, shall determine the reasonable cost of replacing materials, data, equipment or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 3.

(2) ORDER.—Any persons convicted of such violation shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

SEC. 5. COURT JURISDICTION.

The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act.

SEC. 6. PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this Act may recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provisions of this Act.

(b) CONSTRUCTION.—Nothing in this Act shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this Act. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of section 3.

SEC. 7. STATEMENT OF POLICY ON TRANSPORTATION, SALE, AND HANDLING OF CERTAIN ANIMALS.

The first sentence of section 1(b) of the Animal Welfare Act (7 U.S.C. 2131) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) to protect against the theft or destruction of animals, equipment, and data from research facilities.".

SEC. 8. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

(a) STUDY.—The Secretary of Agriculture and the Attorney General of the United States shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research, production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

(b) RESULTS.—Not later than 1 year after the date of enactment of this Act, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 9. EFFECT ON STATE LAWS.

Nothing in this Act shall be construed to effect or preempt any State law or regulation.

SEC. 10. EFFECTIVE DATE.

This Act shall become effective on the date of enactment of this Act.

By Mr. DANFORTH (for himself, Mr. BOND, and Mrs. KASSEBAUM):

S. 728. A bill to amend the Hazardous Materials Transportation Act regarding to transportation of certain materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AMENDING THE HAZARDOUS MATERIALS TRANSPORTATION ACT

● Mr. DANFORTH. Mr. President, one of the critical issues that the 101st Congress must address is how to ensure the safety of hazardous materials transportation. Missourians have a keen interest in this subject—Missouri lies at the transportation crossroads of the Nation.

Kansas City is the second busiest railroad hub in the Nation, followed immediately by St. Louis. No fewer than five interstate highways cross our State. I-70, the major east-west artery, links St. Louis and Kansas City with Columbia along the way. I-44 connects St. Louis and Springfield. St. Louis alone is transversed by Interstates I-70, I-64, and I-44; Kansas City by Interstates I-29, I-35, and I-70.

Missourians cannot escape the fact that major transportation activity means major hazardous materials activity. Two-thirds of all hazardous materials shipped in the United States are transported by rail, primarily on the highest grade tracks between major cities, or by truck, mainly on the interstate highways. Barges, traveling on the Great Lakes and on rivers like the Mississippi and the Missouri, carry the third largest amount of hazardous goods.

Missourians have a right to expect that hazardous materials will be transported through their State as safely as possible. The bill Senator BOND and I are introducing today directly responds to concerns raised by our constituents. However, enactment of this legislation would make hazardous materials transportation safer, not only for Missouri, but for the Nation.

With regard to the shipment of spent nuclear fuel from the damaged Three Mile Island reactor in Pennsylvania to a research facility in Idaho, St. Louis area residents and the St. Louis Post Dispatch have expressed several concerns. We have worked extensively with the Department of Transportation [DOT] and the Department of Energy [DOE] to make sure the current shipping campaign is safe, but we need laws that guarantee the safety of future nuclear transportation activities.

Other provisions in the bill make sure DOT has the tools it needs to penalize individuals or companies whose carelessness, neglect, or disregard for hazardous materials transportation laws or regulations jeopardize public safety.

Specifically, the bill would require the following:

1. MANDATORY USE OF DEDICATED TRAINS

Currently, shippers can decide to transport railcars carrying high-level radioactive materials on mixed trains transporting everything from dangerous chemicals to grain. The choice to ship Three Mile Island nuclear wastes by dedicated train has been a matter of policy. It needs to be a matter of law. This bill directs the Secretary of Transportation to require that single-purpose trains be used for all rail shipments of high-level radioactive wastes or spent nuclear fuel.

2. ESTABLISHMENT OF DOT STANDARDS FOR SELECTING THE SAFEST MODES AND ROUTES FOR TRANSPORTING HIGH-LEVEL RADIOACTIVE MATERIALS AND SPENT NUCLEAR FUEL

Decisions on modes and routes for nuclear shipments now are made at the whim of the shipper, who often is more concerned about cost cutting than safety. This provision would require DOT to set—and shippers to use—clear and objective guidelines that take into consideration factors such as population densities, emergency response capabilities, and potential environmental impacts along alternative highway or railroad routes.

3. MANDATORY FULL-SCALE TESTING AND NUCLEAR REGULATORY COMMISSION [NRC] CERTIFICATION OF NUCLEAR SHIPPING PACKAGES

At this time, the NRC, the independent regulatory agency responsible for the overall safety of nuclear activities, sets strict standards for certification of new nuclear shipping packages. DOE, the agency responsible for transporting spent nuclear fuel from commercial facilities to DOE operated research or disposal sites, is allowed to self-certify nuclear packages for its own use, as long as its standards are equal to those used by the NRC.

Both NRC and DOE use a combination of one-fourth scale model testing and engineering analysis to judge whether new nuclear shipping packages meet safety standards. In fact one-fourth scale models have worked during field trials, only to have the full-scale versions fail under similar conditions. This provision makes full-scale testing mandatory.

Also, this provision would require that NRC, an independent regulatory agency, certify all nuclear packages used in commerce, rather than allowing DOE to self-certify its own packages. The fox shouldn't be guarding the hen house.

4. AUTHORIZATION OF 20 DOT INSPECTORS DEDICATED TO SAFE TRANSPORTATION OF RADIOACTIVE MATERIALS

DOT's only nuclear transportation safety inspector recently left the department. In the meantime, between 100 and 300 shipments of high-level radioactive waste and spent nuclear fuel are being transported annually. Thousands of low-level radioactive

shipments, many of them for medical or research purposes, also are being shipped each year.

We don't know how many of these shipments are inspected now. Transportation safety generalists at the Federal level inspect some of them; State and local inspectors inspect others. This provision, which is similar to legislation first introduced by Senator NANCY KASSEBAUM during the 100th Congress, would ensure that all high-level radioactive shipments would be inspected at point of origin, and that lower-level radioactive shipments would be checked regularly.

5. MANDATORY PERMITTING OF MOTOR CARRIERS TRANSPORTING CERTAIN VERY HAZARDOUS MATERIALS

Currently, the DOT does not have a complete list of motor carriers who transport various hazardous materials, nor can they tell which ones operate safely. This provision would require motor carriers to obtain a Federal permit to transport certain highly dangerous cargoes: Class A or B explosives, materials that are extremely toxic by inhalation, or certain radioactive materials. Carriers who fail to comply with the law would lose their permits. Shippers could use permitted carriers only.

6. RETENTION OF PLACARDING ON PACKAGES OR CONTAINERS UNTIL ALL HAZARDOUS MATERIALS HAVE BEEN REMOVED

On November 29, 1988, six Kansas City firemen were killed when the arson-caused fire they were fighting caused the violent explosion of an unmarked truck trailer parked at a highway construction site. Because the trailer's hazardous materials warning placards had been removed, the firemen were unaware that it contained over 25,000 pounds of explosives. This provision would require packages, containers or vehicles containing hazardous materials to remain placarded until their dangerous contents are gone.

7. DELETION OF "KNOWINGLY" FROM THE CIVIL PENALTIES SECTION OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT

The Hazardous Materials Transportation Act makes any person who "knowingly commits" a violation of the act or its regulations liable for a civil penalty. DOT always has interpreted the term "knowingly" to mean that a person knew, or in the exercise of reasonable care should have known, of the facts constituting a violation.

However, a U.S. district court recently ruled that DOT could not levy penalties unless it could prove that the actions of a person or company involved "willful negligence," or a "reckless disregard for the probable consequences." If this standard prevails, DOT will be powerless to protect the public from careless transporters of hazardous goods, unless their violations are especially egregious.

It is obvious that the court's decision goes too far, seriously undermining DOT's existing enforcement efforts. However, given the increasing number of hazardous shipments that travel through our Nation each year, and the inherent risks involved, it is clear that the DOT's current "reasonable care" standard falls short as well. This provision simply requires that persons entrusted with the safe transportation of hazardous materials must obey the law. Period.

8. ADDITION OF CIVIL OR CRIMINAL PENALTIES FOR VIOLATIONS OF DOT "COMPLIANCE ORDERS"

Currently, DOT is authorized to issue compliance orders, but only the district courts of the United States, upon petition by the U.S. Attorney General, can enforce such orders. This provision would authorize DOT to enforce compliance orders.

9. PROHIBITION AGAINST TAMPERING WITH HAZARDOUS MATERIALS SHIPMENTS

During 1988, an improperly placarded car was hooked up to one of the Three Mile Island spent nuclear fuel trains as it was about to enter Missouri. During the investigation of this incident, we learned that no provision in the existing Hazardous Materials Transportation Act explicitly prohibits tampering with such shipments.

This provision provides for civil penalties for any person, without lawful authorization, who tampers with markings, placards or documents required on a hazardous materials shipment, or with any package, container, motor vehicle, railroad car, aircraft, or vessel used for transporting hazardous materials.

10. PROHIBITION AGAINST MOTOR CARRIERS WITH UNSATISFACTORY SAFETY RATINGS FROM CARRYING HAZARDOUS MATERIALS

Currently, DOT audits motor carriers and assigns them ratings of "satisfactory," "conditional," or "unsatisfactory." A motor carrier must have a number of serious safety violations before it is given an "unsatisfactory" rating, and even then the carrier is free to operate. As a result, some 1,100 hazardous materials carriers now operating have "unsatisfactory" safety ratings. This provision would ban any motor carrier with an "unsatisfactory" rating from transporting hazardous cargoes on our Nation's highways.

Mr. President, this simple and straightforward bill would improve the safety of hazardous materials transportation nationwide. We urge our colleagues to support its early enactment.●

● Mr. BOND. Mr. President, today Senator DANFORTH and I are introducing legislation which will make it safer to ship hazardous materials and spent nuclear fuel through Missouri and throughout the country.

While all regions of the country must deal with this issue, our State's location makes it an even higher priority for us. Because Missouri is in the center of the country, we are the transportation hub of the Nation. Highways, rivers, and rail lines cross our State in large numbers and make Missouri one of the most heavily traveled States in the Nation.

The transport of hazardous materials is a necessary and important function. It is so important, in fact, that it should only be carried out in the safest fashion possible. While our current regulatory system is good, I believe that it can stand some improvement. Our bill will do that by closing several crucial loopholes in the current law.

This legislation addresses the problems that have been raised by the shipment of TMI waste through our State. For starters, it would require that the waste be shipped on dedicated trains. DOE currently has the discretion to ship a cask carrying TMI waste on trains carrying all kinds of other commodities—for example, coal, grain or dangerous chemicals. This legislation would only allow shipment on single purpose trains—the only commodity allowed would be spent nuclear fuel or high level radioactive wastes. Second, DOT would have to establish clear standards for determining how and where the shipments will be transported to their destination. The factors it would have to take into consideration include: Population densities, emergency response capabilities and potential environmental effects along alternative highway or railroad routes. Third, we would require NRC and DOE to use full scale models of shipping casks for testing purposes instead of the current practice of using only one-fourth scale models. This is to correct the problem where the one-fourth scale models work fine during field tests but the full scale models fail under similar conditions. The bill would also change the agency responsible for safety certification of nuclear waste shipments from DOE to NRC. DOE is currently allowed to certify its own shipments—those going to DOE research or disposal sites. We believe that requiring a different agency's review would ensure a more stringent and objective analysis of the safety of these shipments. Finally, our legislation authorizes 20 new inspectors at DOT whose sole job would be to inspect shipments of high level radioactive waste and spent nuclear fuel. Although it seems unbelievable, DOT has only one nuclear transportation inspector—and he just left the department. The task is currently left to the regular DOT safety inspectors, who are generalists, not specialists. We believe that safe inspection of these shipments calls for special expertise.

Our legislation also makes several much needed changes in the law with regard to the shipment of hazardous materials. Last November, six fire-

fighters in Kansas City were tragically killed by explosions at a construction site where they were trying to fight a fire. As far as we can tell, they had no idea that there were dangerous explosives stored on site. This bill corrects that situation by requiring that the placard currently required on trucks or rail cars during the transport of extremely hazardous materials remain on the truck or rail car if that vehicle is left at its destination point. It could not be removed until the material is used up. Currently, that placard is removed once the material reaches the site—even if the truck or rail car is used for on site storage. If there had been placards on the trailers which exploded in Kansas City, those firemen might be alive today.

We would give the Department of Transportation some additional authority to go after motor carriers who take advantage of gaps in the current law and make our highways unsafe for the rest of us. Motor carriers who transport either radioactive waste or certain types of very hazardous materials—like explosives—would be required to get a permit in order to operate. If they failed to do so, they would lose their right to operate. In addition, carriers who have been given unsatisfactory safety ratings by DOT would be prohibited from carrying any hazardous shipments until they had taken corrective action and were certified as safe by DOT.

Our bill will also help States in their efforts to ensure the safety of their communities and transportation systems by clarifying who is responsible for what in the shipment of hazardous materials and nuclear waste. With so many of these safety procedures currently left to the discretion of Federal agencies, the States have been scrambling to fill in the gaps. We have an excellent State emergency management agency in Missouri but its resources have been stretched thin in trying to carry out its responsibilities. Making these procedures mandatory at the Federal level will be an immense help to them.

This is an excellent and much needed bill and I look forward to working with Senators DANFORTH and KASSEBAUM to ensure its passage.●

● Mrs. KASSEBAUM. Mr. President, I would like to thank my distinguished colleagues from Missouri for introducing this measure. I introduced a related piece of legislation in the Senate earlier today because I share my colleagues' concerns about improving safety in the transportation of hazardous materials.

While my legislation addresses the safety aspects of transporting radioactive materials, I believe the need for safe transport of all types of hazardous materials is clear. This measure appropriately addresses many of the dangers involved with transporting any type of potentially harmful substance.

Two recent incidents in Kansas City, one in the State of Kansas and the other in Missouri, have raised concerns about the handling and labeling of certain dangerous substances. In both cases, trailers loaded with highly flammable and explosive material caught fire. In the tragic case of the incident in Missouri, six firefighters were killed because they were unaware of the dangerous substances inside the burning trailers—there were no placards to warn them of the highly explosive contents.

Exactly 1 week after this terrible disaster, a truck loaded with 1,100 pounds of ammonium perchlorate caught fire in Kansas City, KS. Fortunately, the firemen were able to avoid another disaster by extinguishing this fire before the cargo, a highly explosive solid rocket fuel, was ignited. Since there were no placards on the truck, the firemen had no way of knowing that, given the explosive nature of the rocket fuel, the recommended response for dealing with this fire would have been to let the fire burn and evacuate the area.

Mr. President, Congress cannot afford to ignore the realities of the dangers involved with transporting hazardous materials. In 1988, there were more than 6,100 incidents where hazardous materials were unintentionally released during transport. The bulk of these accidents involved rail and highway carriers. This number will continue to grow unless we take steps now to ensure the safe and responsible transport of these dangerous substances.

For these reasons, I strongly support this measure and ask unanimous consent that my name be added as an original cosponsor.●

By Mrs. KASSEBAUM (for herself, Mr. DANFORTH, and Mr. BOND):

S. 729. A bill to assure additional protection in connection with the transportation of radioactive materials; to the Committee on Commerce, Science, and Transportation.

RADIOACTIVE MATERIALS TRANSPORTATION ACT OF 1989

● Mrs. KASSEBAUM. Mr. President, the disposal of nuclear waste materials is a difficult and emotional issue that defies easy answers. In the daily transportation of nuclear waste across our Nation's highways and railways is the potential for unspeakable disaster.

There is no doubt that shipments of both high-level and low-level nuclear waste will significantly increase in the next 10 years. I am deeply concerned that the Department of Transportation does not possess the resources it needs to ensure that nuclear wastes are transported as safely as possible. Therefore, I am introducing legislation which will mandate the hiring of additional safety inspectors in the DOT.

The legislation is simple. It authorizes such funds as may be necessary for the hiring of 20 additional inspectors who are specialists in nuclear matters. One would be allocated to the Research and Special Programs Administration which has the authority for implementing the Hazardous Materials Transportation Act of 1974, five to the Federal Railroad Administration, and five would be allocated to the Federal Highway Administration. The remaining inspectors would be allocated among the aforementioned administrations at the discretion of the Secretary.

There are nearly 3 million shipments of nuclear waste per year, including 300 shipments of high-level radioactive material. The level of shipments will increase now that sites have been chosen for both high- and low-level nuclear waste disposal. It is my belief that preventative actions need be taken which will preclude any disaster or accident. Last year alone, there were 15 incidents involving an unintentional release of a radioactive material during transport in the United States. While none of these incidents was catastrophic, the fact is that we cannot wait until a disaster occurs before we take steps to increase safety in this area. By bolstering the ranks of inspectors who license commercial drivers; determine routes; and inspect tracks, major signals, and the containment casks, we ensure that safety standards are enforced and maintained and that accidents are avoided.

My home State of Kansas is a corridor for shipment of both types of nuclear waste. The State entered the Central States Compact following the enactment of the Low-Level Radioactive Waste Policy Act in 1980. Given that our neighboring State of Nebraska has been chosen to house the low-level nuclear waste generated by other members of the compact, Kansas can expect to see an even greater number of shipments cross through the State in the future. Needless to say, Kansans are concerned about this eventuality. Better emergency response programs and improved inspection programs must be increased and made available to all States, and safety must be made the No. 1 priority.

Mr. President, I know many Senators have expressed a good deal of concern about this issue. The Commerce Committee has worked diligently in the past, and I know the committee plans to continue to work toward improving the safety of transportation of nuclear materials. I would hope that this legislation could be considered in the course of this ongoing dialog, and

I ask that a copy of the legislation be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Radioactive Materials Transportation Act of 1989."

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the Department of Transportation's radioactive materials transportation program affecting both low-level and high-level radioactive materials must be improved and strengthened;

(2) the Federal Highway Administration, Federal Railroad Administration, and the Research and Special Programs Administration within the Department of Transportation must be authorized an adequate number of inspectors to ensure and promote compliance with existing federal safety regulations affecting the transportation of radioactive materials; and

(3) for those persons violating existing federal safety regulations, the Secretary of Transportation should impose meaningful and substantive penalties.

ADDITIONAL SAFETY INSPECTORS

SEC. 3. (a) The Secretary of Transportation, in fiscal year 1990, shall employ and maintain thereafter an additional twenty safety inspectors above the number of safety inspectors authorized for fiscal year 1989, in the aggregate, for the Federal Railroad Administration, Federal Highway Administration, and the Research and Special Programs Administration. The Secretary shall take such action as may be necessary to assure that the additional inspectors authorized by this act shall, to the extent possible, focus their activities on the promotion of radioactive materials transportation safety, including, but not limited to—

(1) licensing of drivers and operating practices of engineers;

(2) ensuring that tracks and major signals along routes are inspected at least once each twelve-month period;

(3) inspecting every high-level nuclear truck and rail shipment at the point of origin; and

(4) inspecting, to the maximum extent possible, low-level nuclear shipments.

(b) In carrying out their duty under this act, inspectors authorized by this act shall, to the maximum extent possible, conduct such duty in cooperation with safety inspectors of the Nuclear Regulatory Commission and appropriate state and local government officials.

(c) Of the twenty inspectors authorized by subsection (a), not less than one shall be allocated to the Research and Special Programs Administration, not less than five shall be allocated to the Federal Railroad Administration, not less than five shall be allocated to the Federal Highway Administration, and the remaining inspectors shall be allocated, at the discretion of the Secretary, among the aforementioned administrations.

PENALTIES

SEC. 4. Subsection (a) of Section 110 of the Hazardous Materials Transportation Act is amended (1) by deleting "knowingly" each place it appears therein; and (2) by adding at the end thereof the following: "The amount of the civil penalty imposed under this subsection for the violation of a provision of this act or a regulation shall not be less than $500 for each such violation."

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out this act.●

By Mr. COATS:

S. 730. A bill to request the President to award gold medals on behalf of Congress to Frank Capra, James M. Stewart, and Fred Zinnemann, and to provide for the production of bronze duplicates of such medals for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

S. 731. A bill to request the President to award a gold medal on behalf of Congess to Robert Wise and to provide for the production of bronze duplicates of such medal for sale to the public, to the Committee on Banking, Housing, and Urban Affairs.

PRESENTATION OF CONGRESSIONAL MEDALS TO CERTAIN INDIVIDUALS

● Mr. COATS. Mr. President, I am pleased to introduce today two bills honoring four giants of the motion picture industry who have made an indelible mark on our national cultural life and whose works represent positive American family values.

I speak of James Stewart, Frank Capra and Fred Zinnemann, who would be recognized in my first bill, and Robert Wise, a native Hoosier, who would be honored in the second bill.

This legislation would award each of them a Congressional Gold Medal in recognition of the outstanding contributions that each has made to our Nation's cultural heritage.

The life work of these four men represents an immense contribution to a truly unique and native American art form—the motion picture. Millions of Americans have had their attitudes, their beliefs, and even their lives influenced and molded by the stories and characters created by these men.

Whose life has not been touched and made richer by Jimmy Stewart's portrayal of George Bailey in small town America during the depression in Frank Capra's classic film "It's a Wonderful Life?" Who was not moved and enlightened by the noble characterization of St. Thomas More in his martyrdom in "A Man for All Seasons?"

Mr. President, the outstanding artistry and creative genius of these men makes them all worthy of the highest honor that Congress can bestow. More importantly still, the character and integrity portrayed by the characters in so many of their films is best exemplified by the actual lives of these four men.

James Stewart is one of Hollywood's all-time most popular actors and one of the screen's nicest guys. His motion picture career spans over 50 years and includes principal roles in over 60 major films. He has starred in such movie classics as "You Can't Take It With You," "Mr. Smith Goes to Washington," "Philadelphia Story," "It's a Wonderful Life," "Destry Rides Again," "Winchester '73," "Broken Arrow," "Harvey," "The Glenn Miller Story," "Strategic Air Command," "The Spirit of St. Louis," "Vertigo," "Bell, Book and Candle," "Flight of the Phoenix," and "Shenandoah." Who will ever forget Harvey and Stewart's antics and camaraderie with that invisible rabbit on both stage and screen?

Born in Indiana, PA, Jimmy Stewart was active in theatrical productions at Princeton, joined a stock company after graduation, and played on the New York stage before going to Hollywood. His acting career was interrupted when, at the age of 34, Stewart volunteered for military service. In the Army Air Corps, he commanded several hundred planes, flew more than 30 bombing missions over Nazi Germany, and was awarded the Distinguished Flying Cross and the Air Medal with Oak Leaf Cluster and was given the Croix de Guerre by the French Government. He received his commission as Air Force colonel at age 36 in 1944. Typifying his modesty and sensitivity, Jimmy Stewart's studio contract following the war explicitly prohibited the use of his war record in promoting his films. It should also be noted that the long marriage of Jimmy and Gloria is itself an enduring Hollywood love story.

Italian-born Frank Capra directed such quintessentially American film classics as "It Happened One Night," "Mr. Deeds Goes to Town," "You Can't Take it With You," "Lost Horizon," "Mr. Smith Goes to Washington," "Meet John Doe," "Arsenic and Old Lace," "It's a Wonderful Life," "State of the Union," and "Pocketful of Miracles." At the outbreak of World War II Capra joined the Army Signal Corps, where he produced and directed the "Why We Fight" series of films. These seven films played a vital part in building morale and educating our soldiers and the public about America's war effort.

As a boy in his native Austria Fred Zinnemann studied violin. He later earned his law degree in Vienna and then studied photographic technique, lighting and mechanics in Paris. At 22, he came to the United States and sought his career in Hollywood, first as a movie extra, then as script clerk and finally as director. His short subject "That Mothers Might Live" won an Academy Award in 1938. As feature director Zinnemann was winner of the

first Screen Directors' Award in 1948 for "The Search." He has since been recognized around the world for his achievements: Four Academy Awards, four New York Film Critics Awards, the city of Vienna's Gold Medal, Donatello Award in Italy, the Order of Arts and Letters in France, and the Golden Thistle Award in Scotland, among others. A man of profound respect for the dignity of the human spirit, Zinnemann's life work is bound in the exploration of the individual conscience through such power films "The Men," "High Noon," "From Here to Eternity," "A Hatful of Rain," "The Nun's Story," "The Sundowners," "A Man for All Seasons," "Day of the Jackal," and "Julia." And who does not delight in the sheer joy generated by the music of Rodgers and Hammerstein in Zinneman's classic "Oklahoma"?

Finally, we must recognize the spirit of excitement, intrigue and adventure that permeates the films of Robert Wise. Mr. Wise, a native of Winchester, IN, started a film career that spans over 50 years in the cutting department at R.K.O. in 1931. He has been a director and producer for the giant studios and for smaller independent studios. He was president of the Academy of Motion Picture Arts and Sciences in 1985–87. Along the way he has made such outstanding adventure films as "Born to Kill," "Two Flags West," "The House on Telegraph Hill," "The Day the Earth Stood still," "The Desert Rats," "So Big," "Executive Suite," "Helen of Troy," "Run Silent, Run Deep," "I Want to Live," "Two for the Seesaw," "The Sand Pebbles," "The Andromeda Strain," "The Hindenberg," and "Star Trek: The Motion Picture." Above all, Robert Wise is a brilliant story teller.

Can anyone ever forget the poignant love story of Maria and Tony, the two teenagers caught between rival warfaring street gangs in New York, and Leonard Bernstein's great score in "West Side Story"? Or the true romance and heroic escape from Nazi-occupied Austria of Maria and the Von Trapp family and the resounding beauty of the songs of Rodgers and Hammerstein in "The Sound of Music"? These two musical tales with a message are among America's favorite motion pictures—and my own. Perhaps Robert Wise will be remembered best for these films—and he should be so honored for them alone.

Mr. President, these four creative geniuses—an actor, two directors and a producer—embody the greatness of Hollywood film making and the positive values that can be found in America's cultural tradition. I salute each of them today, and I ask that they be honored with Congressional Gold Medals.●

By Mr. MOYNIHAN:

S. 733. A bill to prohibit the importation of assault weapons and certain accessories; to the Committee on Finance.

ASSAULT WEAPON IMPORT CONTROL ACT OF 1989

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to permanently ban the importation of assault rifles and large-capacity rifle magazines and ammunition belts. President Bush has already ordered a temporary ban on foreign-made assault rifles, pending an administration review of how such weapons should be treated. In addition, Senator METZENBAUM has introduced S. 386, the Assault Weapon Control Act of 1989, of which I am a cosponsor, to ban both the importation and future sale of these weapons. I believe my bill is an important first step towards an eventual ban on the sale of all assault rifles, and it is a step I trust we are ready to take. This bill has already been introduced in the House by Representative GIBBONS, the distinguished chairman of the Ways and Means Trade Subcommittee, and I know that he will seek quick action on the legislation.

The term "assault weapon" aptly characterizes the purpose for which these machines were built. The AK-47, one of the guns this bill would prohibit, was first built for the Soviet and Chinese armies and is a weapon of choice for infantrymen around the world. Indeed, the introduction of assault weapons to America's cities has introduced the violence of war into urban neighborhoods. A February 20 New York Times article entitled "Epidemic in Urban Hospitals: Wounds from Assault Rifles," began:

> In the roughest neighborhoods of cities besieged by the drug trade, where buildings are pocked with bullet holes and the streets ring with gunfire, hospitals have become urban MASH units, with paramedics and doctors treating wounds once seen only on the battlefield.

Semi-automatic weapons differ from ordinary pistols and rifles in an important way: they carry large capacity magazines and are designed to fire the greatest number of bullets in the shortest period of time. An Uzi can fire 30 rounds in 5 seconds. A street sweeper shotgun can fire 12 blasts in 3 seconds. Patrick Edward Purdy, the gunman who killed 5 children and wounded 29 others in Stockton, California fired over 100 rounds in 2 minutes. Such weapons are not designed for sport. They are only designed to kill people.

The National Association of Police Organizations, the U.S. Conference of Mayors, and the American Bar Association support a ban on semiautomatic assault weapons. I concur with their judgment. Police officers should not be expected to do battle with criminals who are armed as well as professional soldiers. I believe that the rapid passage of this bill to ban the import of these insidious weapons is a useful first step, and I hope that my colleagues will concur.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as the "Assault Weapon Import Control Act of 1989".

SEC. 2. PROHIBITION ON IMPORTATION OF ASSAULT WEAPONS AND ACCESSORIES.

(a) IN GENERAL.—Except as provided in subsection (b), the importation into the United States of any assault weapon, large-capacity magazine, or large-capacity ammunition belt is prohibited.

(b) EXCEPTIONS.—The prohibition under subsection (a) does not apply to any importation under the authority of the United States, by any department or agency of the United States, or by any department or agency of any State or political subdivision thereof.

SEC. 3. ADMINISTRATION.

(a) DESIGNATION OF ASSAULT WEAPONS.—The Secretary shall designate any semiautomatic firearm (not listed as an assault weapon under subsection (b)) as an assault weapon if the Secretary determines, after notice and opportunity for hearing, that the firearm was specifically or primarily designed as a military or law enforcement armament, regardless of whether the firearm (with or without modifications) is commercially marketed for any other use.

(b) LIST.—The Secretary shall prepare and periodically update a list of assault weapons that are subject to the import prohibition in section 2(a). Listed assault weapons shall be identified by such means (including, but not limited to, brand name, common name, manufacturer's name, design type, or in such other manner considered appropriate by the Secretary) that will clearly indicate to the public the weapons that are subject to the prohibition in section 2(a). The Secretary may also include in the list the brand name or other appropriate identification of large capacity magazines and large-capacity ammunition belts that are subject to such import prohibition. The Secretary shall widely distribute copies of lists prepared under this subsection to the public.

(c) EMERGENCY ORDERS.—The Secretary may issue an emergency order, having an effective period for not longer than 90 days, barring importation of any semiautomatic firearm which the Secretary has reason to believe meets the criteria for designation as an assault weapon under subsection (a).

(d) EXCEPTIONS TO DESIGNATION.—Notwithstanding any provision of this Act, a semiautomatic firearm may not be designated as an assault weapon under subsection (a) if such firearm—

(1) does not employ fixed ammunition;

(2) was manufactured before 1899;

(3) operates manually by means of a bolt, lever, slide, or similar action;

(4) is a single shot weapon;

(5) is a multiple barrel weapon;

(6) is a weapon, other than a shotgun, having a revolving cylinder;

(7) employs a fixed magazine with a capacity of 10 rounds or less;

(8) cannot employ a detachable magazine or ammunition belt with a capacity greater than 10 rounds;

(9) is modified so as to render it permanently unserviceable or to make it permanently a device which may not appropriately be designated as an assault weapon.

(e) PERIODIC REVIEW.—The Secretary, in consultation with the Attorney General, shall undertake a review of the types and kinds of semiautomatic firearms that are being manufactured in the United States and abroad and on the basis of such review—

(1) recommend to the Congress such modifications to the specification of assault weapons under section 4(2) as the Secretary considers appropriate; and

(2) take such action under section 3(a) as the Secretary considers appropriate.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) The term "assault weapon" means—

(A) any weapon referred to in paragraph (2);

(B) any semiautomatic firearm designated as an assault weapon by the Secretary under section 3(a); or

(C) any version of any semiautomatic firearm referred to in paragraph (2) or designated under section 3(a), including any semiautomatic firearm that—

(i) has the same name as any firearm so referred to or designated, or

(ii) however named, is substantially the same kind of firearm as any firearm so referred to or designated.

(2) The following are assault weapons for purposes of paragraph (1)(A):

(A) Avtomat Kalashnikov semiautomatic firearms.

(B) Uzi semiautomatic firearms.

(C) M-10 or 11 semiautomatic firearms.

(D) TEC 9 and TEC 22 semiautomatic firearms.

(E) Ruger Mini 14 semiautomatic firearms.

(F) AR-15 semiautomatic firearms.

(G) Beretta AR 70 semiautomatic firearms.

(H) FN-FAL and FN-FNC semiautomatic firearms.

(I) Steyr Aug semiautomatic firearms.

(J) H and K 91/93/94 semiautomatic rifles.

(K) USAS-12 shotguns.

(L) Street Sweeper and Striker 12 revolving cylinder shotguns.

(M) Any other semiautomatic firearm with a fixed magazine capacity exceeding 10 rounds.

(N) Any other shotgun with a fixed magazine, cylinder or drum capacity exceeding 6 rounds.

(3) The term "large-capacity magazine" means—

(A) a box, drum, or other container which holds, or which may be readily converted to hold, more than 10 rounds of ammunition to be fed continuously into a semiautomatic firearm;

(B) any combination of parts from which any container referred to in subparagraph (A) can be assembled; or

(C) any part specifically designed for use in assembling any such container.

(4) The term "large-capacity ammunition belt" means—

(A) a belt or strip which holds, or which may be readily converted to hold, more than 10 rounds of ammunition to be fed continuously into a semiautomatic firearm;

(B) any combination of parts from which a belt or strip referred to in subparagraph (A) can be assembled; or

(C) any part specifically designed for use in assembling any such belt or strap.

(5) The term "Secretary" means the Secretary of the Treasury.

(6) The term "semiautomatic firearm" means a weapon that utilizes the force of a fired cartridge to extract the case of such cartridge and to chamber the next cartridge, but requires a separate pull of the trigger to fire such next cartridge.

SEC. 5. EFFECTIVE DATE.

This Act takes effect on the 30th day after the date of the enactment of this Act.●

By Mr. BREAUX:

S.J. Res. 97. Joint resolution to propose an amendment to the Constitution of the United States to protect the cultural rights of all Americans; to the Committee on the Judiciary.

CULTURAL RIGHTS AMENDMENT TO THE CONSTITUTION

● Mr. BREAUX. Mr. President, I rise today to introduce a proposed amendment to the Constitution. This amendment would recognize the right of all Americans to the preservation of individual cultural traditions.

This country is great because we recognize and accept our cultural diversity. I am proud of my heritage, as are many of my colleagues here in the Senate and in the House of Representatives. This diversity of cultural origins broadens the perspective of Congress and has been one factor in the success to the American system of government.

In my home State of Louisiana, we recognize the importance of our cultural heritage. The State Constitution prohibits discrimination on the basis of culture and recognizes "the right of people to preserve, foster and promote their respective historic, linguistic, and cultural origins." I strongly support this approach and present it here today for consideration at the Federal level.

If America is going to remain as a leader committed to the principle of freedom and cognizant of cultural pluralism, we must not eliminate opportunities for individual linguistic and cultural development. Moreover, we cannot lead if we suppress the expression of our languages and cultures. Americans of African culture, Chinese culture, French culture, German culture, Native American culture, and many others are vital to our continued understanding of the world and a critical link to our participation in international affairs.

Mr. President, I present this joint resolution to my colleagues for their consideration and, hopefully, their support. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 97

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission:

"ARTICLE

"SECTION 1. The right of the people to preserve, foster, and promote their respective historic, linguistic, and cultural origins is recognized. No person shall be denied the equal protection of the laws because of culture or language.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.".●

ADDITIONAL COSPONSORS

S. 75

At the request of Mr. HELMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 75, a bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 135

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 242

At the request of Mr. HELMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 242, a bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 253

At the request of Mr. BINGAMAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 253, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of food consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan.

S. 255

At the request of Mr. HARKIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 255, a bill to authorize appropriations for the Local Rail Service Assistance Program.

S. 258

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 258, a bill to amend the National Flood Insurance Act of 1968 to extend the program of flood insurance for structures on land subject to imminent collapse or subsidence.

S. 355

At the request of Mr. RIEGLE, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 399

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 399, a bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes.

S. 443

At the request of Mr. CHAFEE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 43, a bill to authorize the Secretary of the department in which the Coast Guard is operating to convey the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation.

S. 461

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 461, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 491

At the request of Mr. CHAFEE, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 491, a bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 527

At the request of Mr. BAUCUS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 527, a bill to amend title XVIII of the Social Security Act to reclassify certain hospitals as sole community hospitals, and for other purposes.

S. 596

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 596, a bill to make available certain information involving threats to the safety of international commercial airline travel.

S. 618

At the request of Mr. SARBANES, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 618, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 619

At the request of Mr. SARBANES, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 643

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 643, a bill to amend the Internal Revenue Code of 1986 to allow an individual a credit against income tax for certain expenditures for the purpose of reducing radon levels in the principal residence of the individual, and for other purposes.

S. 656

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 656, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. DANFORTH], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 53

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate May 25, 1989, as "National Tap Dance Day."

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the period commencing May 7, 1989, and ending May 13, 1989, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 84

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 84, a joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

AMENDMENT NO. 12

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of amendment No. 12 intended to be proposed to S. 4, a bill to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

AMENDMENT NO. 13

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of amendment No. 13 intended to be proposed to S. 4, a bill to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

SENATE RESOLUTION 95—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 95

Whereas, in the case of *Candis O. Ray* v. *United States Senate, et al.*, Case No. ST-C-89-14, pending in the United States District Court for the Western District of North Carolina, the plaintiff has named the United States Senate, Senators Sanford, Heflin, and Wallop, former Senator Stennis, and a Senate employee, Paul Vick, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the Senate, its present and former

members, and its employees in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Senate, Senators Sanford, Heflin, and Wallop, former Senator Stennis, and Paul Vick in the case of *Candis O. Ray* v. *United States Senate, et al.*

SENATE RESOLUTION 96—AUTHORIZING TESTIMONY BY TWO SENATE EMPLOYEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 96

Whereas, in the case of *United States* v. *Gregory Sitzman, et al.,* No. 87-6098-Cr-ZLOCH, pending in the United States District Court for the Southern District of Florida, Melanie Bowen and Jan Bennett, two employees of Senator Hatch's Salt Lake City office, have been requested to testify by the United States;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony by Senate employees may be needed in any court for the promotion of justice, the Senate will act to promote the ends of justice in a manner consistent with the privileges and rights of the Senate: Now, therefore be it

Resolved, That Melanie Bowen and Jan Bennett are authorized to testify in the case of *United States* v. *Gregory Sitzman, et al.*

SENATE RESOLUTION 97—RELATING TO PALESTINE LIBERATION ORGANIZATION TERRORISM

Mr. HELMS (for himself, Mr. GRAMM, Mr. DOLE, Mr. BOND, Mr. GRAHAM, Mr. GRASSLEY, Mr. MACK, Mr. METZENBAUM, Mr. WILSON, Mr. LAUTENBERG, Mr. BOSHWITZ, Mr. NICKLES, Mr. PACKWOOD, Mr. HEINZ, Mr. DOMENICI, Mr. MCCAIN, Mr. SYMMS, Mr. D'AMATO, Mr. PRESSLER, Mr. HATCH, Mr. HUMPHREY, Mr. COATS, Mr. BURNS, and Mr. KASTEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 97

Whereas a 1975 agreement between Israel and the United States prohibits talks between United States officials and the Palestine Liberation Organization until the Palestine Liberation Organization recognizes Israel's right to exist and accepts United Nations Security Council Resolutions 242 and 338;

Whereas section 1302(b) of the International Security Development and Cooperation Act of 1975 added the renunciation of terrorism to these conditions;

Whereas these conditions have been reaffirmed by statute five times since 1984;

Whereas on December 14, 1988, Secretary of State George Shultz determined that, by virtue of a statement by Yasser Arafat, the Palestine Liberation Organization had fulfilled the conditions required by law for discussions with United States officials to commence;

Whereas Yasser Arafat had previously renounced terrorism in the Cairo Declaration of November 7, 1985;

Whereas the Palestine Liberation Organization failed to live up to its commitment to refrain from terrorism, as outlined in the Declaration of November 7, 1985, by carrying out no less than 92 terrorist attacks resulting in the deaths of 4 Americans; and

Whereas Palestine Liberation Organization terrorist attacks on Israel have in the past resulted in the deaths of innocent Americans and, as such, continuing Palestine Liberation Organization terrorist attacks in Israel present a threat against the lives of innocent Americans visiting the Holy Land; Now, therefore, be it

Resolved, That in the event further talks are held with the Palestine Liberation Organization—

(1) the top priority of the United States in any such talks should be the prevention of terrorist and other violent activity by the Palestine Liberation Organization or any of its factions; and

(2) during the next round of such talks the representative of the United States should obtain from the representative of the Palestine Liberation Organization a full accounting of the following reported terrorist or other violent activities which occurred after Yasser Arafat's commitment of December 14, 1988:

(A) On December 26, 1988, an attempted infiltration into Israel by boat by four terrorists of the PLO-affiliated Popular Struggle Front.

(B) On December 28, 1988, an attempted infiltration into Israel by three terrorists of the PLO-affiliated Palestine Liberation Front armed with Kalashnikov rifles, missiles, and anti-tank launchers.

(C) On January 24, 1989, an unprovoked attack on an Israeli patrol in Southern Lebanon by PLO-affiliated Palestine Liberation Front.

(D) On February 5, 1989, an attempted infiltration into Israel by nine terrorists of the PLO-affiliated Palestine Liberation Front and Popular Front for the Liberation of Palestine armed with automatic rifles, hand grenades, rocket-propelled grenades, and wire cutters.

(E) On February 23, 1989, an attempted attack on targets in Israel by terrorists of the PLO-affiliated Democratic Front for Liberation of Palestine armed with AK-47 rifles, anti-tank rockets and wire cutters.

(F) On February 27, 1989, a PLO-affiliated Popular Front for the Liberation of Palestine ambush of a pro-Israeli Southern Lebanese army vehicle.

(G) On March 2, 1989, an attempted infiltration into Israel by four terrorists of the PLO-affiliated Democratic Front for the Liberation of Palestine, armed with Kalashnikov rifles, light anti-tank missiles, grenades, and wire cutters, headed for the civilian town of Zarit.

(H) On March 13, 1989, an attempted infiltration into Israel by three terrorists of PLO-aligned Palestine Liberation Front armed with AK-47 automatic rifles, hand grenades, small missiles, and wire cutters.

(I) On March 15, 1989, an attempted attack on Israel through Gaza by two terrorists of the Islamic Jihad group under the orders of Yasser Arafat, armed with Kalashnikov rifles, ammunition, and grenades.

SEC. 2. In the event further talks are held with the Palestine Liberation Organization, the Secretary of State should, within 10 days after the next round of such talks, report to the Senate on the accounting provided by the representative of the Palestine Liberation Organization of the incidents described in the first section of this resolution.

Mr. HELMS. Today I offer a resolution which urges our State Department to obtain from the PLO an accounting of a series of violent acts which PLO-affiliated groups have reportedly undertaken since Yasser Arafat renounced terrorism last December.

The resolution aims to reinforce the Bush administration policy of pressuring the PLO to reduce its violent activity. At the same time, the resolution focuses attention on what appears to be continuing PLO terrorist activity.

The resolution is being introduced with 24 sponsors, including Senators from both parties and all parts of the political spectrum. Joining me on the resolution are Senators GRAMM of Texas, DOLE, WILSON, GRAHAM of Florida, BOND, METZENBAUM, BOSCHWITZ, PACKWOOD, NICKLES, LAUTENBERG, HEINZ, DOMENICI, KASTEN, MCCAIN, SYMMS, GRASSLEY, D'AMATO, PRESSLER, MACK, HATCH, HUMPHREY, COATS, and BURNS.

Mr. President, on December 14, 1988, the State Department determined that, by virtue of a statement by Yasser Arafat, the PLO had fulfilled the conditions required by law for discussions with U.S. officials to commence.

At that time, many observers felt that our Government made a tactical error in dealing with Yasser Arafat. I publicly questioned the wisdom of trying to combat terrorism by negotiating with terrorists. The State Department should have required that the conditions in the law—that the PLO renounce terrorism, recognize Israel, and accept UN Resolutions 242 and 338—be met not just in words, but in practice as well.

There was doubt then, and doubt now, whether the PLO would and will live by the commitments made on December 14 by Yasser Arafat. Yasser Arafat is a terrorist and the PLO is a terrorist group—and we cannot expect terrorists to keep their word.

Indeed, statements made since then by a number of key PLO leaders are entirely inconsistent with the commitments made by Arafat in December. Arafat himself flaunted his renunciation of terrorism by threatening—in a January radio broadcast—the life of any Palestinian leader who proposes an end to the violence in the territories.

What is even more troubling is that PLO terrorist and other violent activity may actually be continuing. Since the Arafat commitment of December 14, there have been no fewer than nine reported terrorist or attempted

terrorist acts involving PLO affiliated groups.

This resolution expresses the sense of the Senate that the top priority of the United States in any future talks with the PLO should be a prevention of terrorist and other violent activity by the PLO or its factions.

It also lists nine reported terrorist or attempted terrorist or violent acts involving PLO affiliated groups, urges the State Department to obtain from the PLO an accounting of these incidents, and asks the Secretary of State to report to the Senate on the accounting provided by the PLO.

Mr. President, the longer the PLO continues its violent activities, the longer it will take to bring about a real peace in the Middle East. The Bush administration policy of making a reduction of violence a priority in any talks with the PLO is a recognition of this fact. The Senate should do its part by making certain that continuing terrorist and other violent activity by the PLO does not go unnoticed nor unanswered.

● Mr. D'AMATO. Mr. President, I rise in support of this resolution expressing the sense of the Senate regarding Palestinian Liberation Organization terrorism.

The absolute precondition to any talks between our Government and representatives of the PLO must be the cessation of all acts of terrorism.

It is inconceivable to me that this Government could willingly and openly negotiate with any organization that equates violence with politics, that negotiates out of the barrel of a gun.

At the outset of this process, former Secretary Shultz determined that the PLO had fulfilled the conditions necessary for talks to begin. He also warned that this determination was conditional, and subject to revision in view of continuing evidence of good faith. I urge Secretary of State Baker to proceed with the utmost caution and deliberation in dealing with Yasser Arafat or any of his confederates.

This resolution seeks an accounting from Mr. Arafat regarding nine specific terrorist incidents all since his commitment in December 1988 to end the cycle of violence in the Middle East.

Should he fail to provide it, or prove less than forthcoming, such negotiations cannot continue.

The United States cannot permit itself to be seen as legitimizing or overlooking terrorism, no matter how worthy the policy goal. Only by divorcing himself completely from this inhuman lawlessness can Mr. Arafat hope to further the interests of the PLO.

I look forward to the swift passage of this timely resolution, and urge all of my colleagues to join in supporting it.●

Mr. LAUTENBERG. Mr. President, I join with Senator HELMS and my other colleagues in submitting this resolution calling for an accounting of the PLO's behavior since the United States began its dialog with that group.

This resolution states that in the event further talks are held with the PLO, the top priority of the United States should be a cessation of terrorist and other violent activity by the PLO or any of its factions. During the next round of such talks, if they are held, the United States should obtain from the PLO a full accounting of reported terrorist activities which have occurred since the dialog began, and which appear to implicate the PLO or its constituent groups. And it calls on the Secretary of State to report to the Senate within 10 days of the next round of talks on the accounting provided by the PLO on these incidents.●

Mr. President, this resolution is important because recent events have cast doubt on Arafat's desire and ability to live up to his bold words of last December—his renunciation of terrorism, his acceptance of key United Nations Security Council resolutions, and his recognition of Israel's right to exist.

For example, Arafat's threat to pump 10 bullets into anyone who thinks of stopping the intifada is clearly inconsistent with his December renunciation of terrorism. Former Secretary of State George Shultz acknowledged as much in a January 5, 1989, interview when he said that Arafat's threat squared very badly with the U.S. understanding of the PLO's renunciation of terrorism. The various incursions of PLO constituent groups into Lebanon, and Arafat's failure to date to denounce those terrorist actions, also are inconsistent with his pledge.

There is also the specter of PLO involvement in the bombing of Pan Am flight 103 over Lockerbie, Scotland on December 21. This bombing, which killed 270 people, took place only 1 week after the United States decided to open talks with the PLO based on its renunciation of terrorism.

Last October, West German police arrested members of the Popular Front for the Liberation of Palestine [PFLP] with radio cassette players containing explosive devices that could be detonated at high altitude. When Pan Am flight 103 crashed, the police established that the explosives that caused the crash were in a radio cassette player exactly like those found during the arrest of PFLP terrorists. This finding raises a strong suspicion of the involvement of this group in the planning of the crash.

Given the fact that a representative of the PFLP sits on the Executive Committee of the Palestine National Council, the governing body of the PLO, possible involvement of the PFLP in the Pan Am crash raises further questions about the PLO's ability to fulfill its commitment to renounce terrorism.

I believe that Arafat's December statements of moderation resulted from firm American insistence since 1975 on those conditions as a prerequisite for opening a dialog between the United States and the PLO. The success of that policy demonstrates that clearly announced U.S. foreign policy goals, when adhered to, achieve results.

Mr. President, when the United States began its dialog with the PLO, it was premised on the bedrock assumptions that Arafat would renounced terrorism and recognize Israel's right to exist. If the administration is pressing the PLO to make good on these commitments, that is not clear to me. I do not see evidence that Arafat is being held to his words or that those words are being matched with deeds.

If the administration decides to continue the dialog, strong pressure must be kept on the PLO to live up to Arafat's promises and surely the dialog should be discontinued if those promises are not or cannot be kept. Arafat must denounce all acts of terrorism, and the leadership of Palestinian factions that continue to perpetrate terrorism. Arafat should put his words into writing by changing or revising the PLO's covenant, which is still committed to armed struggle and the destruction of Israel.

The administration began this dialog with the specific understanding that it was contingent on the PLO's remaining true to its words. Congress seeks, through this resolution, to inform itself of whether the PLO is doing so. I urge my colleagues to swiftly adopt this resolution.

AMENDMENTS SUBMITTED

MINIMUM WAGE LEGISLATION

COATS AMENDMENT NO. 19

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes; as follows:

At the end of the bill add the following new section:

SEC. . ENHANCED RESCISSION PROCEDURES.

(a) IN GENERAL.—Section 1011(3) of the Impoundment Control Act of 1974 is amended to read as follows:

"(3) 'rescission resolution' means a joint resolution of the Congress that—

"(A) disapproves, in whole or in part, the rescission of budget authority proposed in a special message transmitted by the President under section 1012; and

"(B) is adopted by the Congress and becomes law before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;".

(b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Section 1012(b) of such Act is amended to read as follows:

"(b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority or any part thereof proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation if, within the prescribed 45-day period, a rescission resolution disapproving the rescission or reservation of such amount or part thereof is adopted by the Congress and becomes law.".

(c) CONFORMING AMENDMENTS.—

(1) RESCISSION RESOLUTION.—Section 1017 of such Act is amended—

(A) by striking out "rescission bill" each place it appears and inserting in lieu thereof "rescission resolution"; and

(B) by striking out "bill or" each place it appears.

(2) CONSIDERATION IN THE HOUSE.—Section 1017(c)(5) of such Act is amended by striking out "bills and".

(3) CONSIDERATION IN THE SENATE.—Section 1017(d)(2) of such Act is amended—

(A) by striking out "the bill" in the first sentence and inserting in lieu thereof "the resolution";

(B) by striking out "such a bill" the first place it appears in the second sentence and inserting in lieu thereof "such a resolution"; and

(C) by striking out "such a bill" the second place it appears in the second sentence and inserting in lieu thereof "a rescission resolution".

GRAHAM (AND OTHERS) AMENDMENT NO. 20

Mr. GRAHAM (for himself, Mr. PRYOR, Mr. MITCHELL, and Mr. KENNEDY) proposed an amendment to the bill S. 4, supra; as follows:

Beginning on page 6, line 5, strike out all that follows "SECTION" through page 14, line 3, and insert in lieu thereof the following:

1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Minimum Wage Restoration Act of 1989".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. RESTORATION OF MINIMUM WAGE.

Paragraph (1) of section 6(a) (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $3.35 an hour during the period ending September 30, 1989, not less than $3.85 an hour during the period beginning October 1, 1989, and ending September 30, 1990, not less than $4.25 an hour during the year beginning October 1, 1990, and not less than $4.55 an hour after September 30, 1991;".

SEC. 3. CHANGE IN ENTERPRISE TEST.

(a) IN GENERAL.—Subsection (s) of section 3 (29 U.S.C. 203(s)) is amended to read as follows:

"(s)(1) 'Enterprise engaged in commerce or in the production of goods for commerce' means an enterprise that—

"(A)(i) has employees engaged in commerce or in the production of goods for commerce, or that has employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person; and

"(ii) is an enterprise whose annual gross volume of sales made or business done is not less than $500,000 (exclusive of excise taxes at the retail level that are separately stated); or

"(B) is an activity of a public agency.

"(2) Any establishment that has as its only regular employees the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise. The sales of such an establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection.".

(b) PRESERVATION OF COVERAGE.—

(1) IN GENERAL.—Any enterprise that on December 31, 1989, was subject to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) and that because of the amendment made by subsection (a) is not subject to such section shall—

(A) pay its employees not less than the minimum wage in effect under such section on December 31, 1989;

(B) pay its employees in accordance with section 7 of such Act (29 U.S.C. 207); and

(C) remain subject to section 12 of such Act (29 U.S.C. 212).

(2) VIOLATIONS.—A violation of paragraph (1) shall be considered a violation of section 6, 7, or 12 of the Fair Labor Standards Act of 1938, as the case may be.

(c) CONFORMING AMENDMENTS.—

(1) Section 13(a) (29 U.S.C. 213(a)) is amended by striking out paragraphs (2) and (4).

(2) Section 13(g) is amended—

(A) by striking out "paragraphs (2) and" and inserting in lieu thereof "paragraph"; and

(B) by striking out ", except that" and all that follows in such subsection and inserting in lieu thereof a period.

(d) TECHNICAL AMENDMENTS.—Section 3(r) (29 U.S.C. 203(r)) is amended—

(1) by inserting "(1)" after "(r)";

(2) by striking out "*: Provided,* That, within" and inserting in lieu thereof a period and "Within";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by striking out "For purposes of this subsection" and inserting in lieu thereof the following:

"(2) For purposes of paragraph (1)";

(5) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(6) by striking out "public or private or" in subparagraph (A) (as so redesignated).

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1989.

SEC. 4. PUERTO RICO, VIRGIN ISLANDS, AND AMERICAN SAMOA.

(a) SPECIAL INDUSTRY COMMITTEES.—Section 5 (29 U.S.C. 205) is amended—

(1) in the first sentence of subsection (a), by striking out "Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands," and inserting in lieu thereof "American Samoa";

(2) in the second sentence of subsection (a)—

(A) by striking out "such island or islands" and inserting in lieu thereof "American Samoa"; and

(B) by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "American Samoa";

(3) by striking out subsection (e); and

(4) in the section heading, by striking out "PUERTO RICO AND THE VIRGIN ISLANDS" and inserting in lieu thereof "AMERICAN SAMOA".

(b) MINIMUM WAGE.—Section 6 (29 U.S.C. 206) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by striking out all that follows "appoint" through the period at the end of the sentence and inserting in lieu thereof "pursuant to sections 5 and 8."; and

(B) by striking out the second sentence; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c)(1) The rate or rates provided by subsection (a)(1) shall be applicable in the case of any employee in Puerto Rico who is employed by—

"(A) the United States,

"(B) an establishment that is a hotel, motel or restaurant,

"(C) any other retail or service establishment that employs such employee primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs, or

"(D) any other industry in which the average hourly wage is greater than or equal to $4.65 an hour.

"(2) In the case of any employee in Puerto Rico who is employed in an industry in which the average hourly wage is not less than $4.00 but not more than $4.64, the minimum wage rate applicable to such employee shall be increased on October 1, 1989, and each October 1 thereafter through October 1, 1993, by equal amounts (rounded to the nearest 5 cents) so that the highest minimum wage rate prescribed in subsection (a)(1) shall apply on October 1, 1993.

"(3) In the case of an employee in Puerto Rico who is employed in an industry in which the average hourly wage is less than $4.00, except as provided in paragraph (4), the minimum wage rate applicable to such employee shall be increased on October 1, 1989, and each October 1 thereafter through October 1, 1994, by equal amounts (rounded to the nearest 5 cents) so that the highest minimum wage rate prescribed in subsection (a)(1) shall apply on October 1, 1994.

"(4) In the case of any employee of the Commonwealth of Puerto Rico, or a municipality or other governmental entity of the Commonwealth, in which the average hourly wage is less than $4.00 an hour and who was brought under the coverage of this section pursuant to an amendment made by the Fair Labor Standards Amendments of 1985 (Public Law 99-150), the minimum wage rate applicable to such employee shall be increased on October 1, 1989, and each October 1 thereafter through October 1,

1995, by equal amounts (rounded to the nearest 5 cents) so that the highest minimum wage rate prescribed in subsection (a)(1) shall apply on October 1, 1995.".

(c) WAGE ORDERS.—Section 8 (29 U.S.C. 208) is amended—

(1) in the first sentence of subsection (a), by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "American Samoa";

(2) by striking out the second sentence of subsection (a);

(3) in the third sentence of subsection (a)—

(A) by striking out "Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands," and inserting in lieu thereof "American Samoa"; and

(B) by inserting before the period at the end of the sentence ", and who but for section 6(a)(3) would be subject to the minimum wage requirements of section 6(a)(1)";

(4) in the third sentence of subsection (b)—

(A) by striking out "Puerto Rico or in the Virgin Islands" and inserting in lieu thereof "American Samoa";

(B) by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "American Samoa"; and

(C) by striking out "section 6(c)" and inserting in lieu thereof "section 6(a)(3)"; and

(5) in the section heading, by striking out "PUERTO RICO AND THE VIRGIN ISLANDS" and inserting in lieu thereof "AMERICAN SAMOA".

(d) EMPLOYMENT UNDER SPECIAL CERTIFICATES.—Section 14(b) (29 U.S.C. 214(b)) is amended by striking out "(or in" and all that follows through "section 6(c))" each place it appears in paragraphs (1)(A), (2), and (3).

SEC. 5. TIP CREDIT.

Effective October 1, 1989, the third sentence of section 3(m) (29 U.S.C. 203(m)) is amended by striking out "in excess of 40 per centum of the applicable minimum wage rate," and inserting in lieu thereof "in excess of (1) 45 percent of the applicable minimum wage rate during the year beginning October 1, 1989, and (2) 50 percent of the applicable minimum wage rate after September 30, 1990,".

SEC. 6. TRAINING WAGE.

(a) IN GENERAL.—

(1) AUTHORITY.—Any employer may, in lieu of the minimum wage prescribed by section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), pay an eligible employee the wage prescribed by paragraph (2) while such employee is engaged in on-the-job training.

(2) WAGE RATE.—The wage referred to in paragraph (1) shall be a wage—

(A) of not less than $3.35 an hour during the year beginning October 1, 1989; and

(B) beginning October 1, 1990, of not less than $3.35 an hour or 85 percent of the wage prescribed by section 6 of such Act, whichever is greater.

(b) WAGE PERIOD.—An employer may pay an eligible employee the minimum wage authorized by subsection (a) for a period that—

(1) begins on or after October 1, 1989;

(2) does not exceed the time period referred to in subsection (g)(1)(B); and

(3) ends before September 30, 1992.

(c) WAGE CONDITIONS.—No eligible employee may be paid the wage authorized by subsection (a) by an employer if—

(1) any other individual has been laid off by such employer from the position to be filled by such eligible employee or from any substantially equivalent position; or

(2) such employer has terminated the employment of any regular employee or otherwise reduced the number of employees with the intention of filling the vacancy so created by hiring an employee to be paid such wage.

(d) LIMITATION.—During any month in which employees are to be employed in an establishment under this section, the proportion of employee hours of employment to the total hours of employment of all employees in such establishment may not exceed a proportion equal to one-fourth of the total hours of employment of all employees in such establishment.

(e) NOTICE.—Each employer shall provide to any eligible employee who is paid the wage authorized by subsection (a) a written notice stating the requirements of this section and the remedies provided by subsection (f) for violations of this section. The Secretary shall provide to employers the text of the notice to be provided under this subsection.

(f) ENFORCEMENT.—Any employer who employs an employee in violation of the requirements of this section shall be considered to have violated section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215). Sections 16 and 17 of such Act (29 U.S.C. 216 and 217) shall apply with respect to the violation.

(g) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an employer an individual who—

(A) is not a migrant agricultural worker or a seasonal agricultural worker (as defined in paragraphs (8) and (10) of section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802 (8) and (10));

(B) has not previously worked for an employer or employers in employment for which payroll taxes have been withheld;

(C) has not worked at least 30 days with one such employer; and

(D) has not worked a cumulative total of 60 days or more with all such employers,

except that such individual is responsible for providing the requisite proof of previous period or periods of employment with other employers.

(2) ON-THE-JOB TRAINING.—The term "on-the-job training" means training offered to an individual while employed in productive work that provides knowledge, technical skills, and personal skills essential to the full and adequate performance of such employment.

(h) REPORT.—The Secretary of Labor shall report to Congress not later than January 1, 1993, on the effectiveness of the wage authorized by this section. The report shall include—

(1) an analysis of the impact of such wage on employment opportunities for inexperienced workers;

(2) any reduction in employment opportunities for experienced workers resulting from the employment of employees under such wage;

(3) the nature and duration of the training provided under such wage; and

(4) the degree to which employers used the authority to pay such wage.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the Committee on Energy and Natural Resources has scheduled an oversight hearing on the strategic petroleum reserve.

The hearing will take place on Thursday, May 4, 1989, at 9:30 a.m. in room SD-336 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on proposed legislation, S. 694, the Strategic Petroleum Reserve Amendments of 1989, which would: Extend the basic authority of the SPR for 5 years; expand the SPR to 1 billion barrels; and provide for predrawdown diversion authority of SPR oil.

In addition, the hearing will consider proposals for alternative financing of the SPR.

For further information, please contact Jim Bruce, senior counsel, at (202) 224-5052.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. METZENBAUM. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation.

The hearing will take place on April 17 at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony concerning significant price increases in petroleum products since the Valdez oil spill.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-364, Washington, DC. 20510.

For further information, please contact Joel Saltzman at (202) 224-7932.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee of Finance be authorized to meet during the session of the Senate of April 7, 1989, at 9:30 a.m. to hold a hearing on ongoing trade disputes between the United States and Canada.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, April 7, at 1 p.m. to hold a hearing on the Pan Am 103 disaster: U.S. Government response.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 7, 1989, at 9:30 a.m. to hold a hearing on S. 629, legislation to strengthen the National Earthquake Hazards Reduction Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, April 7, 1989, to receive the annual report from the Postmaster General, U.S. Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TARAS SHEVCHENKO, HERO OF UKRAINE

● Mr. LIEBERMAN. Mr. President, I am proud to recognize the 175th anniversary of the birth of Taras Shevchenko, the national hero and bard of the Ukraine. This year, 1989, also marks the 25th anniversary of the unveiling of the Shevchenko monument in Washington, DC, which was dedicated by President Eisenhower before a crowd of over 100,000 Ukrainian-Americans.

Taras Shevchenko's impact and success is felt by millions everywhere. He is recognized throughout the world for his many literary contributions, which capture the universal desire for freedom, independence, human rights, and political, economic, and social justice.

Taras Shevchenko represents the eternal Ukrainian desire for national independence. Shevchenko's love for the Ukraine and her people are expressed in the emotions of this poetry. Through his romantic verses, written in the Ukrainian language, he longed for Ukrainian autonomy. His words decried the severe mistreatment and oppression—including the dreadful institution of serfdom—imposed by the Czarist Russian Empire. Clearly, this magnificent and charismatic man championed the cause of freedom for his fellow Ukrainians.

Born as a serf 175 years ago on March 9, 1814, in the village of Morintsy in the district of Kiev, Shevchenko experienced many early childhood difficulties, as his parents died when he was 11.

Soon after, Shevchenko developed an early interest and aptitude in the arts, and was able to convince his master to send him to Vilna, Warsaw, and St. Petersburg for formal art studies. As a student of the arts, Shevchenko produced several paintings revealing his artistic promise. His artistry would eventually reach such heights that he would be remembered as the Rembrandt of Eastern Europe. During this time, Shevchenko's talents as a poet began to be recognized when he produced the romantic ballad, "The Bewitched Woman."

A major turning point in Shevchenko's life came on April 22, 1839, when he became a free man by using the profits he had made from selling one of his paintings to buy his liberty. Following his emancipation, Shevchenko commenced formal studies at the St. Petersburg Academy of Art. With his new found freedom and education, Shevchenko began to read extensively, especially in the area of Western literature. He immersed himself in the works of such great writers as Shakespeare, Byron, Dickens, Hugo, Scott, Rousseau, and Washington Irving. Shevchenko completed his training at the Academy of the Arts in 1845.

After a 12 year absence, Shevchenko returned to his native Ukraine in 1843. Shevchenko soon found that his literary fame preceded him, as wherever he traveled he was hailed by his fellow countrymen. Undoubtedly, their shared experiences of slavery and political and economic deprivation, rich, ethnic cultures and Western literature were the bonds for their mutual admiration.

Throughout the following few years, Shevchenko continued to compose works which reflected his admiration of Western ideals and institutions, and his disdain for Russian czarism. Unfortunately, in 1847, his life took a turn for the worse when he was arrested in Kiev for his czarist-subversive writings and his association with the Society of Saints Cyril and Methodius, an organization which sought a free union for all Ukrainians. Shevchenko was found guilty and exiled to a remote area of Russia. While in detention, Shevchenko was prohibited from writing and drawing altogether.

Shevchenko was pardoned in 1857 by Czar Alexander II, but remained under police surveillance. Two years later, he was appointed an academician, rank equivalent to a full professorship, at the Academy of Art in 1859.

Ironically, this great man died on the eve of the emancipation of the serfs. Shevchenko's passing was mourned throughout the world by people like Charles Dickens, who recognized Shevchenko as a great humanitarian and Ukrainian leader. Shevchenko was buried in Kaniv, Ukraine, in May 1861. Over his burial mound an oak cross was placed and later replaced by a wrought iron one. In 1939 the Communist regime removed the cross and erected a tall statue of the poet positioned on a high, obelisk-like base.

Shevchenko's poetry while thoroughly Ukrainian, is also universal. Shevchenko believed in the Ukrainian common man and sought to share his plight with the world through writing. He uplifted a suppressed, victimized people by recalling the glorious and heroic age of the freedom-loving Ukrainian Cossacks. He stood as a freedom fighter—not only for the Ukrainian people—but for all people victimized by social and political injustice. I strongly urge my colleagues to join with me in recognizing the truly fantastic accomplishments of this great poet.●

3M—MASTERS OF INNOVATION

● Mr. DURENBERGER. Mr. President, I would like to take this opportunity to bring to the attention of my colleagues the cover story in the latest issue of Business Week which focuses on one of the most dynamic and innovative companies in the world—the 3M Corp., headquartered in St. Paul, MN.

As the title of this article—"Masters of Innovation"—suggests, 3M has an unparalled ability to encourage creativity and imagination in the laboratory and to translate that creativity into the marketplace; 3M is not a company that plays it safe; it is not afraid to experiment with the novel nor to encourage the esoteric. As the spiritual father of the company, William McKnight once noted: "If management is intolerant and destructively critical when mistakes are made, I think it kills initiative." It is this guiding philosophy of risk-taking and experimentation that has brought 3M near the pinnacle of business success and has consistently placed it in the top five of the most admired businesses in America.

One of the things that makes 3M so well-respected is the corporate guideline which requires that fully 25 percent of a division's sales be derived from products introduced within the past 5 years. This commitment to new product innovation ensures that as technologies change, 3M will continue to be at the forefront of new markets and will remain at the frontiers of technological competitiveness well into the next century.

Mr. President, as a Minnesotan and as an American I take great pride in all of the people who work at 3M and who have made this corporation the standard to judge excellence in corporate innovation and competitiveness.

I ask that the cover story on 3M be included in the RECORD.

The article follows:

MASTERS OF INNOVATION: HOW 3M KEEPS ITS NEW PRODUCTS COMING

(By Russell Mitchell)

It was 1922. Minnesota Mining & Manufacturing inventor Francis G. Okie was dreaming up ways to boost sales of sandpaper, then the company's premiere product, when a novel thought struck him. Why not sell sandpaper to men as a replacement for razor blades? Why would they risk the nicks of a sharp instrument when they could rub their cheeks smooth instead?

The idea never caught on, of course. The surprise is that Okie, who continued to sand his own face, could champion such a patently wacky scheme and keep his job. But unlike most companies then—or now—3M Co. demonstrated a wide tolerance for new ideas, believing that unfettered creative thinking would pay off in the end. Indeed, Okie's hits made up for his misses: He developed a waterproof sandpaper that became a staple of the auto industry because it produced a better exterior finish and created less dust than conventional papers. It was 3M's first blockbuster.

Through the decades, 3M has managed to keep its creative spirit alive. The result is a company that spins out new products faster and better than just about anyone. It boasts an impressive catalog of more than 60,000 products, from Post-it notes to heart-lung machines. What's more, 32 percent of 3M's $10.6 billion in 1988 sales came from products introduced within the past five years. Antistatic videotape, translucent dental braces, synthetic ligaments for damaged knees, and heavy-duty reflective sheeting for construction-site signs are just a few of the highly profitable new products that contributed to record earnings of $1.15 billion in 1988.

At a time when many big U.S. corporations are trying to untangle themselves from bureaucracy, 3M stands apart as a smooth-running innovation machine. Along with a handful of other companies that might be called the Innovation Elite—Merck, Hewlett-Packard, and Rubbermaid among them (page 62)—3M is celebrated year after year in the rankings of most-respected companies. Business schools across the country make 3M a case study in new-product development, and management gurus trumpet 3M's methods. Peter Drucker's *Innovation and Entrepreneurship* is peppered with 3M tales. A star of the bestseller *In Search of Excellence*, 3M remains a favorite of coauthor Thomas J. Peters, "It is far more entrepreneurial than any $10 billion company I've come across," he says, "and probably more entrepreneurial than a majority of those one-tenth its size."

The publicity has attracted representatives of dozens of companies from around the world to tour 3M headquarters near St. Paul, Minn., in search of ideas and inspiration. While such companies as Monsanto Co. and United Technologies Corp. have adopted some of 3M's methods, it's hard to emulate a culture that has been percolating since the turn of the century.

LOSE SOME

So how does 3M do it? One way is to encourage inventive zealots like Francis Okie. The business of innovation can be a numbers game—the more tries, the more likely there will be hits. The scarcity of corporate rules at 3M leaves room for plenty of experimentation—and failure. Okie's failure is as legendary among 3Mers as his blockbuster. Salaries and promotions are tied to the successful shepherding of new products from inception to commercialization. One big carrot: The fanatical 3Mer who champions a new product out the door then gets the chance to manage it as if it were his or her own business.

Since the bias is toward creating new products, anything that gets in the way, whether it's turf fights, overplanning, or the "not-invented-here" syndrome, is quickly stamped out. Divisions are kept small, on average about $200 million in sales, and they are expected to share knowledge and manpower. In fact, informal information-sharing sessions spring up willy-nilly at 3M—in the scores of laboratories and small meeting rooms or in the hallways. And it's not unusual for customers to be involved in these brainstorming klatches.

PEER REVIEW

That's not to say that corporate restraint is nonexistent. 3Mers tend to be self-policing. Sure, there are financial measures that a new-product team must meet to proceed to different stages of development, but the real control lies in constant peer review and feedback.

The cultural rules work—and go a long way toward explaining why an old-line manufacturing company, whose base products are sandpaper and tape, has become a master at innovation. And a highly profitable one at that. Earnings spurted 25 percent in 1988 from a year earlier. It wasn't always so. The company hit a rocky stretch in the early 1980s. But stepped-up research spending and some skillful cost-cutting by Chairman and Chief Executive Allen F. Jacobson have revived all of 3M's critical financial ratios.

A 3M lifer and Scotch-tape veteran, Jake Jacobson took over the top job in 1985 and laid out his J-35 program. That's J as in Jake, and 35 as in 35 percent cuts in labor and manufacturing costs—to be accomplished by 1990. 3M is well on its way to reaching those goals, and the push has already improved the bottom line. Last year return on capital climbed almost three points, to 27.6 percent, and return on equity had a similar rise, to 21.6 percent. Jacobson has clamped down on costs without harming his company's ability to churn out new products one whit.

MOTLEY CREW

3M was founded not by scientists or inventors but by a doctor, a lawyer, two railroad executives, and a meat-market manager. At the turn of the century the five Minnesotans bought a plot of heavily forested land on the frigid shores of Lake Superior, northeast of Duluth. They planned to mine corundum, an abrasive used by sandpaper manufacturers to make the paper scratchy. The five entrepreneurs drummed up new investors, bought machinery, hired workers, and started mining. Only then did they discover that their corundum, alas, wasn't corundum at all but a worthless mineral that the sandpaper industry wanted no part of.

The company tried selling its own sandpaper, using corundum shipped in from the East, but got battered by the competition. How perfect: The company that tolerates failure was founded on a colossal one. 3M was forced to innovate or die. Most of the original investors got swept out of the picture, and the remaining 3Mers set about inventing. First, the company introduced a popular abrasive cloth for metal finishing. Then Okie stuck gold with his Wetordry sandpaper. They drew inspiration from William L. McKnight, who is revered to this day as the spiritual father of the company. He started out as an assistant bookkeeper and worked his way up through sales. His approach, unusual for its day, has stuck with the company. Rather than make his pitch to a company's purchasing agent, McKnight talked his way onto the factory floor to demonstrate his products to the workers who used them. After he became chairman and chief executive, he penned a manifesto that said, in part; "If management is intolerant and destructively critical when mistakes are made, I think it kills initiative."

LOYAL LIFERS

That kind of thinking breeds loyalty and management stability. The company rarely hires from the outside, and never at the senior level. Jacobson, 62, a chemical engineer, started out in the tape lab in 1947. And all his lieutenants are lifers, too. The turnover rate among managers and other professionals averages less than 4 percent. "It's just not possible to really understand this company until you've been around for a long while," says Jerry E. Robertson, head of the Life Sciences Sector.

Don't let 3M's dull exterior fool you. The St. Paul campus, home of company headquarters and most of the research labs, is an expanse of brick buildings with a high-rise glass tower that could have been designed by a kid with an Erector set. But inside is an army of engineers and technical experts and platoons of marketers just raring to innovate.

Here's how it typically works: A 3Mer comes up with an idea for a new product. He or she forms an action team by recruiting full-time members from technical areas, manufacturing, marketing, sales, and maybe finance. The team designs the product and figures out how to produce and market it. Then it develops new uses and line extensions. All members of the team are promoted and get raises as the project goes from hurdle to hurdle. When sales grow to $5 million, for instance, the product's originator becomes a project manager, at $20 million to $30 million, a department manager, and in the $75 million range, a division manager. There's a separate track for scientists who don't want to manage.

MANY PATHS

As a result, 3M is big but acts small. There are 42 divisions, so ladders to the top are all over the place. Jacobson reached the pinnacle by cleaning up old-line operations, while his predecessor, Lewis W. Lehr, invented a surgical tape and then rode the company's burgeoning health care business all the way to the chairman's post.

So what are the corporate guidelines? A prime one is the 25 percent rule, which requires that a quarter of a division's sales come from products introduced within the past five years. Meeting the 25 percent test is a crucial yardstick at bonus time, so managers take it seriously. When Robert J. Hershock took over the occupational health division in 1982, it was utterly dependent on an aging product category, disposable face masks. By 1985 his new-product percentage had deteriorated to a mere 12 percent.

That set off alarms. He and his crew had to come up with plenty of new products—and they had to do it in 18 to 24 months, half the normal time. Using technology similar to the division's face-mask filters, Hershock's action teams created a bevy of

products. One team came up with a sheet that drinks up the grease from microwaved bacon. Another devised a super-absorbent packing material that was widely welcomed by handlers of blood samples. The idea came from a team member who had read a newspaper article about postal workers who were panicked by the AIDS epidemic. The division's new-product sales are back above 25 percent.

Then there's the 15 percent rule. That one allows virtually anyone at the company to spend up to 15 percent of the workweek on anything he or she wants to, as long as it's product-related. The practice is called "bootlegging," and its most famous innovation is the ubiquitous yellow Post-it note. Arthur L. Fry's division was busy with other projects, so he invoked the 15 percent rule to create the adhesive for Post-its. The idea came out of Fry's desire to find a way to keep the bookmark from falling out of his hymn book. Post-its are now a major 3M consumer business, with revenues estimated at as much as $300 million.

CULTURAL HABITS

A new-product venture isn't necessarily limited by a particular market's size, either. Take Scotch tape. It was invented in 1929 for an industrial customer who used it to seal insulation in an airtight shipping package. Who could have known that it would grow into an estimated $750 million business someday?

Another recent example: The market for 3M chemist Tony F. Flannery's new product, a filter used to clean lubricants in metalworking shops, was a mere $1 million. But Flannery got the go-ahead to dabble with it anyway. He hooked up with a customer, PPG Industries Inc., which sells paint-primer systems to auto makers. The filters they were using to strain out impurities weren't doing the job. Flannery made prototypes of filter bags using a fibrous 3M material. They not only turned out to be bang-up primer filters, but the new bags are also being used to filter beer, water, edible oils, machine oil, and paint. Flannery figures that the filters could become a $20 million business in a few years.

Getting close to the customer is not just a goal at 3M—it's an ingrained cultural trait. Back in the 1920s, 3M inventor Richard G. Drew noticed that painters on automobile assembly lines had trouble keeping borders straight on the two-tone cars popular at the time. He went back to the lab and invented masking tape.

IN-HOUSE GRANTS

Even with 3M's emphasis on innovation, new ideas do fall through the cracks. In 1983 some employees complained that worthwhile projects were still going unnoticed despite the 15 percent rule. Guaranteed free time doesn't guarantee that there will be money to build a prototype. So the company created Genesis grants, which give researchers up to $50,000 to carry their projects past the idea stage. A panel of technical experts and scientists awards as many as 90 grants each year.

One recipient was Sanford Cobb, an optics specialist at 3M. In 1983 a bulb went on in his head at a scientific conference when he ran across something called light pipe technology. Plastic is inlaid with nearly microscopic prisms so it can reflect light for long distances with little loss of energy.

Cobb knew the heavy acrylic used in the original invention was impractical because it would be difficult to mold, but he figured he could use 3M technology to make a light pipe out of a flexible plastic film. Because 3M isn't in the lighting business, though, Cobb couldn't find a division manager willing to fork over prototype money. So he applied for a Genesis grant. He got it, and made his idea work.

CITY LIGHTS

3M licensed the basic technology from the inventor, and now its light pipes are used in products offered by several divisions. One use is in large highway signs. The new ones feature two 400-watt bulbs, replacing 60 to 70 fluorescent tubes. Manufacturers of explosives use light pipes to illuminate their most volatile areas. And the top of One Liberty Plaza, the new office tower dominating Philadelphia's skyline, is decorated with a light-piping design. Cobb's development is part of a major new technology program at 3M, with potential annual revenues amounting to hundreds of millions of dollars.

It's a surprise, given 3M's strong predilection toward divisional autonomy, that its technology gets spread around. But 3M is a company of backscratchers, eager to help fellow employees in the knowledge that they'll get help when they need it in return. For example, when the nonwoven-fiber experts got together with the lab folks at abrasives, the result was Scotch-Brite scrubbing sponges. A Technology Council made up of researchers from the various divisions regularly gets together to exchange information.

The result of all this interconnection is an organic system in which the whole really is greater than the sum of its parts. It's no coincidence that 3M is never mentioned as a possible breakup candidate. Bust it apart, sever the interconnections, and 3M's energy would likely die. Even if a raider decided to leave it intact, an unfamiliar hand at the helm might send the company off course. The possibility of a raid on 3M was taken a bit more seriously in the early 1980s, when financial performance slipped as the result of a strong dollar and skimping on R&D in the 1970s.

Jacobson's cost-cutting has done wonders for 3M. But his next challenge is formidable. The company's fortunes tend to track the domestic economy, so with a slowdown on the horizon, he must now find ways to spur growth. For one, he wants to expand internationally, boosting overseas sales from 42 percent of revenues to 50 percent by 1992. It may be slow going, however. Just as Jacobson was about to win a beachhead for a plethora of 3M products by buying the sponge unit of France's Chargeurs, the French government blocked the sale on anti-trust grounds.

Jacobson is also starting to insist that 3M's divisions develop bigger-ticket products. The company has been taking core technologies and coming up with hundreds of variations. But those market niches can be pretty skinny—often only a few million dollars or so. Now the company's strategists are focusing on 45 new product areas, each with $50 million in annual sales potential three to five years out. One example: A staple gun that replaces pins for broken bones. A 50 percent new-product success rate would contribute $1.2 billion in sales by 1994 from this program alone.

SINCERE FLATTERY

Jacobson's latest achievements have yet to be reflected in 3M's stock price, which has been hovering in the 60s since the 1987 crash. Analysts are concerned that despite the company's diversification into health care, it still makes about 40 percent of its sales to the industrial sector, so it; could get socked in a recession. And 3M is still considered vulnerable in floppy disks and videotape and related media, which account for about $800 million in sales. The unit has been locked in a bruising battle with the Japanese for years, and lost an estimated $50 million in 1987. While those products finally became profitable in last year's fourth quarter as a result of cost-cutting and wider distribution, the area could remain a trouble spot. "It's a fragile turn-around," says analyst B. Alex Henderson at Prudential Bache Securities Inc.

Other companies would love to have 3M's problems if its successes came with them. Indeed, 3M constantly finds itself playing host to companies trying to figure out how to be more creative. Monsanto has set up a technology council modeled on 3M's, and United Technologies has embarked on an effort to share resources among its not-so-united operations. Eight years ago, Rubbermaid Inc. began insisting that 30 percent of its sales come from products developed in the previous five years.

While other companies may pick up ideas piecemeal from 3M, it would be impossible for any big corporation to swallow the concept whole. "We were fortunate enough to get the philosophy in there before we started to grow, rather than trying to create it after we got big," says Lester C. Krogh, who heads research and development. 3M has a simple formula: Find the Francis Okies, and don't get in their way. But for managers of other companies, large and small, that's often easier said than done.

INSPIRATION FROM THE PLANT FLOOR

(By Russell Mitchell)

When I worked as a tape slitter at 3M, we called them The Ties. They were the buttoned-up members of the 3M Co. quality control team who would occasionally venture onto the grimy factory floor.

"They were the bad guys," says Leo Vernon, who runs a slitting machine that converts huge rolls of tape into the small ones you buy in the store. "They used to tell you rather than listen to you, assuming they even spoke to you in the first place." I worked alongside Vernon 15 years ago, running my own machine, slitting masking tape so I could come up with college tuition. 3M paid me well and, by the standards of the day, treated me well. But despite all the talk I heard about 3M and innovation, nobody ever asked me for ideas on how to do my job better—least of all the guys from quality control.

That was 1973. Today, 3M's tape business is under assault from Japanese and European manufacturers. Over the years, while researchers at headquarters in St. Paul spewed out new products, innovation in 3M's factories lagged. By the early 1980s costs were out of control, and quality wasn't up to snuff. Productivity became a top priority for Chairman and CEO Allen F. Jacobson, who worked his way up through the tape division. By 1990, he aims to cut labor and manufacturing costs by 35 percent each.

ON A ROLL

The edit forced major change at 3M's far-flung factories. At its tape plant in Bedford Park, a Chicago suburb, Vernon is in charge of his own quality now. "The difference," he says, "is night and day."

The manufacturing process has been completely overhauled. Tape is made by coating a backing with adhesive and creating a giant

roll about the size of an office desk. These "jumbos" are then taken to slitting machines. Until recently, all tape at the plant—masking tape, industrial tapes, closure tape for diapers—was coated in one area and transported for slitting to the other end of the factory. The coating and slitting functions had separate supervisors, and they didn't always communicate well. Production rates weren't coordinated, and hundreds of jumbos were stockpiled throughout the plant.

Now slitters are placed near the coaters, and management duties are determined by product line, not function—that is, a supervisor will be in charge of masking tape, not just coating or slitting. The new setup puts a lot more responsibility on the shoulders of individual workers. A slitting operator is expected to identify quality problems immediately so he or she can have the coater stopped after only two or three bad jumbos are produced, rather than the dozens botched in the past. As a result, inventory has been trimmed dramatically. And manufacturing time has improved by two-thirds.

The workers with whom I talked appreciate the new responsibilities. I had hated feeling like an automaton when I worked in the 3M plant, but it's an entirely different story these days for my former colleagues. They don't miss The Ties at all.

CORPORATE INNOVATORS: HOW THEY DO IT: 3M RELIES ON A FEW SIMPLE RULES—WHILE OTHER COMPANIES HAVE THEIR OWN APPROACHES

Keep divisions small.—Division managers must know each staffer's first name. When a division gets too big, perhaps reaching $250 to $300 million in sales, it is split up.

Tolerate failure.—By encouraging plenty of experimentation and risk-taking, there are more chances for a new-product hit. The goal: Divisions must derive 25 percent of sales from products introduced in the past five years. The target may be boosted to 30 percent.

Motivate the champions.—When a 3Mer comes up with a product idea, he or she recruits an action team to develop it. Salaries and promotions are tied to the product's progress. The champion has a chance to someday run his or her own product group or division.

Stay close to the customer.—Researchers, marketers, and managers visit with customers and routinely invite them to help brainstorm product ideas.

Share the wealth.—Technology, wherever it's developed, belongs to everyone.

Don't kill a project.—If an idea can't find a home in one of 3M's divisions, a staffer can devote 15 percent of his or her time to prove it is workable. For those who need seed money, as many as 90 Genesis grants of $50,000 are a awarded each year.

Rubbermaid.—30 percent of sales must come from products developed in the past five years. Looks for fresh design ideas anywhere; now trying to apply the Ford Taurus-style soft look to garbage cans. A recent success: stackable plastic outdoor chairs.

Hewlett-Packard.—Researchers urged to spend 10 percent of time on own pet projects; 24-hour access to labs and equipment; keeps divisions small to rally the kind of spirit that produces big winners such as its LaserJet laser printer.

Dow Corning.—Forms research partnerships with its customers to develop new products such as reformulations of Armor-All car polishes and Helene Curtis hair sprays.

Merck.—Gives researchers time and resources to pursue high-risk, high-payoff products. After a major scientific journal said work on anticholesterol agents like Mevacor would likely be fruitless, Merck kept at it. The drug is a potential blockbuster.

General Electric.—Jointly develops products with customers. Its plastics unit created with BMW the first body panels made with thermoplastics for the carmaker's Z1 two-seater.

Johnson & Johnson.—The freedom to fail is a built-in cultural prerogative. Lots of autonomous operating units spur innovations such as its Acuvue disposable contact lenses.

Black & Decker.—Turnaround built partly on new-product push. Advisory councils get ideas from customers. Some new hot sellers: the Cordless Screwdriver and Thunder Volt, a cordless powertool that packs enough punch for heavy-duty construction work.●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,483d day of captivity for Terry Anderson in Beirut.

I ask that an editorial dated March 20, 1989, from the Rochester Democrat and Chronicle be printed in the RECORD.

The editorial follows:

[From the Rochester Democrat and Chronicle, Mar. 20, 1989]

SOMETHING CAN BE DONE—BARGAIN WITH TERRY ANDERSON'S CAPTORS? NO. COMPENSATE IRAN? YES

"Today, we know that of the nine American hostages being held, one has gone mad and another has twice attempted suicide. Two hostages tried to escape and were beaten senseless by their captors.

"Terry Anderson has pounded his head against the dirty, stone wall of his cell until the blood ran. Frustrated, angry, lonely and tired of being caged like an animal, he finally broke."

"How long will America stand silent in the face of this abomination?"

Peggy Say, formerly of Batavia, marked the fourth anniversary of her brother's captivity in Lebanon last week with these sad and terrible words.

Sad, because there is no end in sight for the suffering of these hostages. Iran, ostracized in the world community for ordering the murder of author Salman Rushdie, is more defiant than ever.

Terrible, because not a thing is being done now to try to free the hostages.

We do not mean that George Bush should bargain with terrorists or go on bended knee to Iran. That would risk adding new names to the list of American hostages, already too long.

But the president could make one humanitarian gesture that should have been made long ago:

He could compensate the families of the 290 people killed when a U.S. ship mistakenly shot down an Iranian commercial airliner last July.

Ronald Reagan, to his credit, agreed to do that shortly after the disaster. But the idea went nowhere.

Some members of Congress postured that not a penny should be paid until all the American hostages were released. And Iran has been less than cooperative in providing a list of families.

A State Department spokesman says the Bush administration is studying the issue and "moving in the direction" of compensation. So far, however, the movement seems glacial.

Why not speed up the idea? Not only is it the right thing to do, but it could be done without compromising the official, and sensible, U.S. policy on terrorism.

The Reagan administration foolishly undermined that policy by its secret arms sales to Iran. George Bush need not do that, or even link compensation with the release of the hostages.

If 100 or even 50 Americans were being treated like animals in some filthy room in Lebanon, says a bitter Peggy Say, people would demand that something be done. But nine hostages, however wretched, can be ignored.

She's probably right. But something can be done. It's not much; it might not work. But after four years of failure, surely it's worth a try.●

JOHN PHILIP SOUSA ELEMENTARY SCHOOL, MESA, AZ

● Mr. McCAIN. Mr. President, today I would like to bring special attention to the innovative and efficient design of the John Philip Sousa Elementary School in Mesa, AZ. The architect, Christopher Coover, has designed an energy efficient, contemporary adaptation of the little red school house. The efficiency of this school can be attributed to Mr. Coover's design, which is the first in Arizona to be used in a school, that incorporates a cold-water thermal-storage system to decrease refrigeration expenses. This system cuts expensive air-conditioning cost by refrigerating water during periods when electricity is cheaper and storing the water in an underground tank. This design should save the school about $37,000 annually.

The Mesa School District has recently received an Award of Merit from the Arizona Department of Commerce, citing Mesa Public Schools and the Sousa School for exceptional accomplishments in energy conservation. The American Association of School, Administrators also selected the John Philip Sousa School's plans for exhibition at its national conference. The exhibition jury said Sousa best represented a nationwide cross section of new school building design excellence.

This commitment to efficient design and other-cutting measures is essential if we are to ensure better education for our youth during these tough budgetary times. The savings derived from cutting the overhead costs will enable school districts to use funds to more directly benefit the students.

Mr. Coover and the Mesa School District are to be commended for their innovative efforts in energy efficiency and education.●

GREEK INDEPENDENCE DAY

● Mr. DIXON. Mr. President, March 25, 1989, marked the anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

As ancient Greece is the birthplace of democracy, and, indeed the very underpinnings of the American way of life, so too was the American Revolution the model for the modern Greek independence movement that began 168 years ago. In fact, Greeks used the United States Declaration of Independence as the archetype for their own declaration. Many American volunteers sailed to Greece to participate in Greece's war for independence.

During the early part of this century, 1 of every 4 Greek males emigrated to the United States. Greek-Americans, many of whom reside in my home State of Illinois, have become immensely successful in the United States, serving in business, law enforcement, media, the military, and many other areas. Greek-Americans have made monumental contributions to the overall artistic and educational vitality of our country and have risen to serve in the highest offices in the land. During World War II, more than 600,000 Greeks and Greek-Americans died fighting on the side of the Allies.

As Will Durant wrote:

> Greek civilization is alive * * * it moves in every breath of mind we breath * * * so much of it remains that none of us in one lifetime could absorb it all. Greece is the bright morning star of that Western civilization which is our nourishment and life.

Indeed, Percy Bysshe Shelly wrote:

> We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece.

Herro hera elefteria! Long live freedom!

GREEK INDEPENDENCE DAY

● Mr. WALLOP. Mr. President, while Congress was adjourned for Easter recess, Greek-Americans across the country celebrated Greek Independence Day and we were reminded of all the remarkable contributions made to America by a determined and freedom-loving people.

In my own State of Wyoming, Greek-Americans attended church services and dinners and talked of the freedoms that their ancestors fought so hard to secure. And they talked of their pioneer parents and grandparents who traveled to Wyoming in the early 1900's because of the special freedoms our State offered. Wyoming's wild and beautiful lands and its relaxed western ways offered opportunities for political, economic, religious and social contributions. Greek immigrants came to the State largely to work for the railroad and in the coal fields. These strong pioneers were fiercely independent and Wyoming was fertile ground—a place where they could invest their lives and get a return for their growing families.

In fulfilling their quest, our Greek-Americans have enriched Wyoming's heritage. They remain to dedicated to the preservation of our freedoms, our environment and our individuality. The legacy is a demonstrated lifestyle that respects hard work and integrity. Today, the immigrant's descendents are well-educated young men and women who are taking leadership roles in America's communities.

Next year, when Wyoming celebrates its 100th year of statehood, it will be important to let our Greek-Americans know that their contributions have added strength and distinction to the Equality State.

It is my honor, Mr. President, to pay special tribute to Wyoming's Greek-Americans and Greek-Americans nationwide and to say thank you for your unlimited offerings to our Nation.●

ARCHBISHOP IAKOVOS

● Mr. SARBANES. Mr. President, it is 30 years since His Eminence, Archbishop Iakovos, became primate of the Greek Orthodox Church of North and South America. Since 1959 he has brought steady leadership and spiritual guidance to his far-flung Archdiocese, which today has more than 2 million communicants in more than 500 parishes.

Archbishop Iakovos, who was born Demetrios A. Coucouzis in Turkey in 1911, has given virtually his entire life to his church. At the age of 16 he entered theological school, graduating with high honors in 1934. He came to the United States shortly thereafter to serve as archdeacon of the Archdiocese of North and South America and professor at the Archdiocese Theological School.

In the Greek Orthodox tradition, he took the name Iakovos at the time of his ordination in Boston in 1940. Subsequently he served communities in Hartford, CT; New York City; St. Louis, MO and Boston, MA. He received the S.T.M. degree from Harvard Divinity School and served as director and president of the Holy Cross Theological School in Brookline during his 12 years of service as Dean of the Cathedral of the Annunication in Boston.

In 1954 he became Bishop of Malta and in 1955 was appointed representative of his Church's Ecumenical Patriarchate to the World Council of Churches. Four years later he was elected Archbishop of North and South America by the Holy Synod of the Ecumenical Patriarchate, and in March 1959 he was enthroned at the Cathedral of the Holy Trinity in New York City.

We have seen momentous changes in this country and in the world over the past 30 years, and true to the tradition of his church, Archbishop Iakovos has spoken out forcefully on the issues of our times. Deeply committed to basic principles of human rights, he has been an eloquent spokesman in the continuing struggle against oppression and persecution.

In 1965, new to his responsibilities as Archbishop, he marched with Martin Luther King, Jr. in Selma, in the great movement to end the scourge of segregation and racism in American life. He has led efforts to end the persecution of the Ecumenical Patriarchate. He has been outspoken on the tragic injustice which the Turkish invasion wrought on Cyprus in 1974, and brought comfort to its victims. Archbishop Iakovos has also played a major role in the ecumenical movement and in the continuing search for harmony and understanding among all religious people.

Over the years the Archbishop has worked tirelessly to bring together men and women of goodwill in love and understanding, and the success of his efforts is reflected in the unity and vitality of the Greek Orthodox Church. He is respected by his followers for his great intelligence and eloquence, and revered for his vision, his spiritual leadership and his devotion to his calling. A true servant of the Lord and shepherd to his flock, he plays an important role in the religious life of our Nation and the world.●

KENWOOD ACADEMY, HUBBARD SCHOOL, AND CHICAGO VOCATIONAL HONORED

● Mr. DIXON. Mr. President, today I rise to honor three fine Chicago public schools, Kenwood Academy, Hubbard School, and Chicago Vocational, that have recently been nominated by the U.S. Department of Education for excellence at the secondary school level.

These three schools are being honored for their commitment to academic excellence based on test scores, site visits to the school, and a thorough review by a Department of Education panel.

All three of these schools serve achievement-conscious youths in the inner city. As I am sure my distinguished colleagues will agree, growing up in an urban center such as Chicago, students are faced with a unique set of problems and challenges to overcome in their quest for a quality education. With the determined guidance of their teachers and parents, the students of these schools have defied the odds and turned their schools into a beacon of hope and opportunity for themselves, and a source of inspiration for students and teachers everywhere.

It is gratifying to know that there are teachers, parents, and most importantly, students who are willing to make the sacrifices and go that extra mile to obtain a quality education. Mr. President, I salute the achievements of these great citizens of Illinois, and ask my colleagues to join me in congratulating them on a job well done.●

TRIBUTE TO VERMONT ARTIST RONALD SLAYTON

● Mr. LEAHY. Mr. President, President Roosevelt's Works Progress Administration projects helped many people get a start in life. And 50 years after taking advantage of the WPA's Easel Painter's project, Vermont Artist Ron Slayton will see his work on display in his home State.

Hunger, poverty, and other social issues spanning the last five decades predominate the work of this talented man, who left the University of Vermont for the $18 a week job with the WPA—a lot of money back then.

Born in Barre in 1910, Ron has taken on some varied projects during his life, although always keeping up with his first love of painting. Poet, political activist, and historian just begin to describe this multitalented man and good friend.

And although his work has been exhibited and documented elsewhere, this is the first full exhibit spanning Ron's career.

Mr. President, I ask that an article from the April 5, 1989, edition of the Burlington Free Press on this remarkable and talented Vermonter be printed in its entirety.

The article follows:

[From the Burlington (VT) Free Press, Apr. 5, 1989]

VERMONT WPA ARTIST RECALLS HUNGER WELL

(By Maggie Maurice)

"A Life in Art—A Retrospective of Work from the Thirties to the Eighties" is the title of a new exhibit by Ronald Slayton that opened last week at the T.W. Wood Art Gallery at Vermont College.

Slayton, born in Barre in 1910, was one of the few Vermont artists who participated in President Roosevelt's WPA (Works Progress Administration) Easel Painters' Project.

He remembers it well.

"It was a hard time. We were always on the verge of hunger," he said Tuesday in a telephone interview from his Barre antique shop, The Dog River Sale Barn. "When I was going to college (University of Vermont), my brother and I used to raid gardens for vegetables, come back and make a big stew."

He left the University of Vermont for the job with the WPA and a paycheck of $18 a week. Good money in those days. His paintings told the story of people living through the Depression. In one, he delineated all the aspects of unemployment—the men ringing doorbells, looking for work, worrying about the "black list" (a list kept by manufacturers of anyone active in the union).

"We had a discussion group in Burlington which took up social issues," he said. "We tried to eliminate the slums on the waterfront. Only after 50 years have they done anything."

Slayton created many works of art in the '30s, including three woodcut blocks titled "Fuel," "Clearing the Fields," and "Social Activities of the '30s."

"That's our discussion group," he said of "Social Activities." "My first wife, Dorothy Kennedy Slayton, was the typist. She's in the right-hand corner. That's the group, sitting around the table, and me with my easel, painting. In the left-hand corner is a symbol of the munitions maker in his capitalist hat; in the right is the soldier symbolizing the Japanese invasion of China, "one of the most terrible aspects of human behavior. They tied people in bundles and threw gasoline on them—burned them up."

In the 1940s, Slayton worked in newspaper advertising (Barre Times Argus, St. Albans Messenger) before moving to New York to earn a bachelors' degree from Columbia Teachers College. Afterward, he worked at such disparate places as Madison Avenue and the University of Tennessee.

He was a poet, dramatist, educator, politician, gallery director, peace activist, humorist, critic and historian.

When his first wife was killed by lightning in Tennessee, he returned to Vermont and taught in the public schools. He was curator of the Wood Art Gallery for 12 years.

"This exhibit is very exciting for me, a culmination of my work for 50 years," Slayton said. "Some very talented people worked on it. One of them is my son, Tom."

The exhibit in Vermont College Arts Center today is sponsored in part by Vermont Federal Bank. The curator is Olivia Bravakis, who had worked with Slayton at Wood. The catalog was compiled by his son, Tom Slayton, editor of Vermont Life, and Linda Paradee of Vermont Life.

"It's a great feeling to work on a show that will give dad some of the recognition that his long life in art deserves," Tom Slayton said. "Growing up under his tutelage, I have seen him paint and paint and paint. It's good at last to see him appreciated."

Credit also goes to singer Bobby Gosh of Brookfield. "He had faith in dad and helped coordinate the show," Slayton said.

Ronald Slayton's work has been documented by the Smithsonian Institution and is included in the permanent collections of the Wood Gallery and Fleming Museum at the University of Vermont.

His second wife, Mariette Payne Slayton, also is an artist. Slayton retired 10 years ago, but last summer he took his big paintings to the 3rd International Peace Conference for Teachers, in Bonn, Germany. He took banners to Moscow with the parents and teachers for social responsibility. Back home again, he still is at his shop every day, the Dog River Sale Barn.

On April 21 at 8 p.m., in conjunction with the retrospective, Slayton will give a live presentation of his prose poem, "The Rock and the Spark," with a musical score by James Miller and Peter Slayton.

Written in 1954, the poem is an attempt, Slayton said, to "express the creative force in art and invention in America." It was originally produced at the Barter Theater in Arlington, Va., and later at the Knoxville Art Center and the Virginia Conference on Educational Television.●

RECOGNIZING THE DISTINGUISHED SERVICE OF MAJ. WILLIAM K-F GRANT, JR.

● Mr. DIXON. Mr. President, I would like to take this opportunity to recognize the hard work and superb contribution of Maj. William K-F Grant, Jr., in our armed services. After 20 years of distinguished service Major Grant is retiring from the U.S. Air Force effective June 1, 1989. Major Grant served his country honorably and loyally in his capacity as Chief of the Projects Division in the Headquarters Air Weather Service at Scott Air Force Base in Belleville, IL. Major Grant has been responsible for Air Weather Service's technical management of weather support of the highest national interest. Major Grant has served his country with great distinction and should be proud of his fine accomplishments. I would like to join my voice with those of his family and many friends in thanking Major Grant for a job well done and wishing him the very best in the coming years.●

INCREASE THE MINIMUM WAGE

● Ms. MIKULSKI. Mr. President, we must increase the minimum wage. In this country, a full-time job should not mean full-time poverty. The current minimum wage of $3.35 an hour is not a living wage. The deteriorating minimum wage rate of the 1980's has contributed to the rise of a new underclass in American society—the working poor and the working homeless. While I would prefer to see the minimum wage rate raised to $4.65 an hour, if the House level of $4.55 an hour is all we can get this year, we'll take it.

Mr. President, as the Senate debates raising the minimum wage we have been inundated by statistics and graphs and numbers. During this display we may lose sight of the fact that these statistics represent people, real people who go to work every day so they can pay their bills, and have a decent place to live.

We might ask, who are the people earning the minimum wage? They are reliable, dedicated employees who just want a chance to move up in society, or just to get back on their feet. They believe, as we all do, in the satisfying ethic of work. They don't apologize for not making a lot of money and they are not looking for a lot of public handouts, but they certainly deserve a decent wage for honest work.

Two such people were profiled by Jean Marbella in the Baltimore Sun on March 31, 1989. Ms Marbella's story relays a candid portrayal of these two people's lives and aspirations much better than I could summarize here today. Because I feel that it's important for us to remain aware of how what we do here affects the folks in our cities and towns, Mr.

President, I ask that this article be printed in full in the RECORD.

The article follows:

[From the Baltimore Sun, Mar. 31, 1989]

MAKING ENDS MEET—FOR MINIMUM WAGE EARNERS, ESSENTIALS SEEM LIKE LUXURIES

(By Jean Marbella)

She rubs numb arms that for eight hours have pushed a vacuum cleaner, emptied trash cans and generally picked up after downtown workers who will return in the morning to a tidy office with scarce if any thought as to how it got that way.

Then she rubs sandy eyes that are still adjusting to working at night and sleeping during the day, and wonders who will get her first—the landlord who has threatened eviction, the utility companies that have threatened to turn off the lights, the bill collectors who have been scratching for their piece of her all-too-small paycheck.

"That's the huring part. You work 40 hours a week. You work hard. You do without everything," she says with a work-tired sight. "And you still get eviction notices. You get turn-off notices. I have creditors I can't pay."

He'd left the industrial Midwest, hearing there were good jobs out on the East Coast. And he found what seemed to be one of them—as a waiter/bartender at a new restaurant in the heart of Baltimore's neon-streaked, yuppie-populated downtown entertainment district.

But after three months on the job, missing just one day that entire time, he's still homeless. He hasn't saved enough for a security deposit on an apartment—or even a single room. And some nights he can't even get into a homeless shelter; many require that you show up at about 5 p.m., but that's when he has to start his shift.

He worries his employers will find out he's homeless, that after a couple more months on the street, he won't be able to scrub up enough to meet customers' expectations at such a restaurant.

"You have to keep your appearance up. In a couple of months, it's going to start to show," he says. "The fact that you're working, you're out there, and you still don't have a roof over your head—it really gets to you. I'm working, and I'm still out on the streets."

These two Baltimoreans are among the working poor—minimum wage (or just slightly better) workers lost in a sort of nether world. They earn too much to qualify for full public assistance, but they earn too little to make ends meet.

Their daily struggle seems a forgotten factor in the current, pennies-niggling debate in the federal government over raising the minimum wage—which, unlike housing, food and just about every other consumer cost, hasn't gone up a cent in eight years.

The House of Representatives last week approved raising the minimum from $3.35 to $4.55 an hour, the Senate will consider its own measure early next month to up it to $4.65, but President Bush has threatened to veto anything over $4.25 an hour.

But as the political machinations churn on—and the House's proposed increase wouldn't even take full effect until 1991—the nearly 4 million minimum wage workers have no choice but to continue eking out what passes for a living on a below-poverty line salary. And with purchasing power ever on the decline, the $3.35 of today buys even less than the $1.50 that was the minimum wage in 1970, according to Department of Labor statistics.

And so, in Baltimore as elsewhere, you'll find minimum wagers at soup kitchens and food pantries, at homeless shelters, at welfare offices, at the mercy of kind strangers—anywhere they can get something to tide them over from meager paycheck to paycheck.

Administration figures show that most minimum-wage earners work part time by choice and that just 336,000 of the total are actually impoverished. But, say some who work with the poor, setting the minimum wage so low actually can serve as a disincentive to working—you can do better by going on welfare, some say and getting additional public assistance for food and medical care.

The typical welfare family, for example, is a woman with two children—they would receive $377 a month in welfare and $219 a month in food stamps, said Steve Minnich, executive director of the Maryland welfare office. That gives them an annual income of $7,152.

If the woman were to take a full-time, minimum-wage job, she would make $6,968—before taxes. But she wouldn't be totally stripped of her public assistance, Mr. Minnich said. Under a typical scenario that involves certain housing and day-care costs, the welfare checks would start diminishing—first to $156 a month for the first four months, then $46 and $16 a month in subsequent months.

Food stamps would stay the same or actually go up depending on circumstances, Mr. Minnich said.

"They become the working poor," said Mr. Minnich. "They still stay at the poverty level at minimum wage."

Poverty level for a family of three is $8,735.

But whatever the rules of eligibility, not everyone wants to go on the public dole.

"I'm an independent person," says a woman we'll call Lila Washington, who at 48 years of age, after a lifetime of working good jobs and raising five kids, suddenly found herself cleaning offices for slightly above minimum wage. "Looking around, It's not much," she says of her apartment near Clifton Park. "But it's clean. It's mine."

The paint is peeling in her bedroom, there's a curtain instead of a door separating it from the rest of the house, but this is obviously a comforting womb—Tums, cold cream and a loudly ticking clock on the night stand, records stacked neatly in one corner, clothes folded equally neatly on a faded sofa and photographs taped to the wall.

She's rolling sleepily in her bed, slowly waking up to chilly, foggy morning. She got off work at 1:30 a.m., got to sleep at 3 and now, about five hours later, is up again.

"These were the good times," Ms. Washington says softly, so as not to wake up the daughter and two grandchildren who live with her, "me and my co-workers."

She's nodding at the largest photo on her wall—it's of two co-workers and her, all holding up certificates earned with a year's worth of perfect attendance and beaming ear-to-ear-to-ear-to-ear-to-ear-to-ear-to-ear.

It was taken during one of the 20 years she worked for a major electronics firm for what now seems the princely sum of $9.75 an hour. She got laid off from that company, hired on at another electronics job (at the lesser but still decent age of $7.95 an hour) and was laid off again three years later.

After five months on unemployment, she took her current job cleaning offices for $3.70 an hour.

"I had to take it. I have to live," she says. "Minimum wage is for kids. Minimum wage is not for a person who has responsibilities. I don't really think that a 48-year-old woman can deal with a minimum-wage job with the responsibility I have. I have to pay my rent. I have to pay for food. Gas and electric."

Cleaning offices is a difficult but honest living.

"I'm not domestically inclined," she says. "I'd rather use my brains than my body. But I have a lot of faith [in God]. I know this is not what he wants me to do. I'll get something better. I'll get back in my field."

Taking home $109 a week means that even the smallest of luxuries are beyond her pocketbook.

"Say I wanted to go out to breakfast now," She muses. "I don't have the money. I start out the month, I got to take $35 out for a bus pass. Out of $109, what do you have left? Like buying a record every once in a while—the cheapest you can buy is $2.99. You buy something like that, you're taking away from your necessities. You don't even have a chance to go downtown and just look around, because you might spend a little something."

Cleaning those offices downtown, she sees the skyscrapers, the frenetic commercialism of the harbor, all those monuments to the booming economy. The mocking irony of it all makes her reflect.

"If I was the state governor, if I was Governor Schaefer, I'd do something. You build those buildings downtown, and he said jobs would be coming in. Jobs came in, but they're $3.35 an hour," she says. "Poor people don't make no money."

Walt Robinson, also not his real name, is part of that seemingly prosperous downtown scene. But his world is the underside of the bright lights.

He's a Midwesterner—Minneapolis and Milwaukee, mainly, where he worked fast-food and restaurant jobs—who left his homeland last fall when he heard there were good jobs in Boston. But somehow—and the details get vague around here—he lost the $150 he had to his name somewhere en route and got stranded in Baltimore in October.

People Aiding Travelers and the Homeless (PATH), formerly called Travelers Aid Society of Baltimore, came to his rescue and got him into a shelter for the homeless. But, the city funds that help cover costs there place a 13-week limitation on length of stay; after that, you're on your own, said Ina Greenberg, a PATH caseworker who has been helping Mr. Robinson.

At 43, he retains a remarkably boyish face. Sitting in PATH's stark offices downtown, his only real address, he plants a plastic bag of belongings at his feet. He mops his sweating brow with a bandanna; he's raced down here from a shelter a couple of miles away, anxious not to miss an appointment and calling when it looked like he'd be about 10 minutes late.

With good references from former jobs, Mr. Robinson was able to find work in December at a new downtown restaurant—for minimum wage, he works the night shift, sometimes seating people, sometimes waiting tables, sometimes tending bar.

In the past, he would get off around 3 or 4 in the morning, and, in the dead and cold of the winter night, would have to stand on a corner waiting for a bus to take him to a

shelter for the homeless. That proved so problematic—some shelters don't take anyone in that late in the night—that he now gets off several hours earlier.

Which means he works fewer hours and makes less money. Which means he has less of a chance to save money for an apartment.

"What I have to look for now is just a room," he said.

A recent two-week paycheck, for example, after all the taxes were taken out, netted him $167.80. And that was a good check—he had worked some overtime. The occasions when he waits on tables also adds a few dollars to his income in tips.

After paying to eat, after bus fare, after giving an occasional couple of dollars to people who let him stay at their houses every once in a while, he says there's nothing left to give a potential landlord in the way of a security deposit.

There's the possibility of food stamps and subsidized housing. But, like other minimum wages, he says he doesn't have time to stand in the lines and wait in the waiting rooms of the social services bureaucracy. He can't afford to miss even an hour of work, which at the meager $3.35 is still $3.35 that he needs.

And, besides, he seems to harbor a deeply felt belief in the goodness of work. Any work. It angers him when others don't see things quite that way.●

SCRAPIE ERADICATION ACT

● Mr. HARKIN. Mr. President, scrapie is a fatal infectious degenerative disorder of the central nervous system of sheep and goats. Much remains unknown about the nature of the infectious agent, the ways in which the disease is transmitted, susceptibility of other species, and methods of eradication and control of the disease. The scientific information seems to indicate that scrapie is caused by an unconventional viral infectious agent. The disease has a prolonged incubation period of 10 to 48 months or more from the time of infection until symptoms appear. No test has yet been developed to detect the disease before the infected animals begin to exhibit symptoms.

The illness and death caused by scrapie are devastating to infected flocks of sheep and goats and to their owners, causing great financial losses that are magnified as owners destroy their breeding animals or send them to slaughter in order to prevent spread of the disease. Moreover, the available data indicate that the disease is on the increase. The number of scrapie outbreaks identified by the Animal and Plant Health Inspection Service [APHIS], a part of the Department of Agriculture, has increased from 11 flocks in 1980 to more than 50 flocks in 1988. The threat of scrapie has serious economic implications: the total value of the sheep industry to the U.S. economy is about $900 million annually. In my State of Iowa, the sheep industry contributes nearly $35 million to the economy each year.

The need is clear for a strong and purposeful national effort to control and eradicate this scourge of the sheep and goat industry. For these reasons, I have introduced the Scrapie Foundation Act in order clearly to commit our Department of Agriculture to programs to control and eradicate this disease. I would note that Congressman JIM LEACH of Iowa has introduced a very similar bill in the House of Representatives.

APHIS has for many years carried out its own program for scrapie eradication. However, on November 2, 1988, APHIS provided advance notice of proposed rulemaking that would discontinue that part of APHIS' current Scrapie Eradication Program that provides for destruction of infected animals and payment of indemnities to owners. The reason given for the proposed discontinuation of the program is that it has not succeeded in eliminating the incidence of scrapie. As I pointed out in letters to Secretary of Agriculture Clayton Yeutter and to APHIS, though, the mere fact that the program has not at this time succeeded in eliminating scrapie does not indicate that the program should be abandoned altogether. On the contrary, the circumstances militate in favor of an intensified effort to eradicate this disease.

Under the Scrapie Eradication Act the Secretary of Agriculture will establish and carry out a new national program to control and eradicate the disease of scrapie in sheep and goats. Though APHIS does have a scrapie program within its general animal disease control authority, the future of that program is highly uncertain, as I earlier noted. I believe this legislation is needed to make sure that we move forward with a strong and consistent Federal scrapie eradication effort.

The bill provides for indemnification of the owners of any sheep or goats destroyed under the scrapie eradication program to be established by USDA. The experience of other countries with substantial sheep industries demonstrates that the most effective program for dealing with scrapie involves depopulation of the infected flocks. The bill would increase the maximum indemnity payment for destroyed animals to 80 percent of the appraised value or $500 per head, whichever is less. These figures are more realistic for purebred animals destroyed under the program than the figures currently used by APHIS. An indemnity program that helps defray some of the cost to flock owners of eliminating infected animals will encourage the reporting of scrapie cases and promote cooperation in eradicating the disease through removing diseased animals.

Under the bill, the Secretary of Agriculture is also directed to establish and carry out a program of research regarding the disease of scrapie. This research will include developing diagnostic procedures for detecting animals infected with scrapie before the animals exhibit symptoms, methods for the treatment, prevention and cure of scrapie and methods for controlling the spread of the disease. More research, particularly on the development of a diagnostic test for scrapie, will be essential to eradicate the disease.

I believe that with an improved and strengthened Federal effort, in cooperation with State and local agencies, livestock associations and other individuals and organizations, we can and will succeed in eradicating scrapie from our sheep and goat industry.

I ask that the following letters be included in the RECORD.

The letters follow:

U.S. SENATE,
Washington, DC, March 10, 1989.

Hon. CLAYTON YEUTTER,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC.

DEAR CLAYTON: Enclosed for your consideration is a copy of my letter to the Animal and Plant Health Inspection Service opposing discontinuation of the Scrapie Eradication Program. The letter was sent in response to the advance notice of proposed rulemaking published by APHIS in the Federal Register of November 2, 1988 at page 44,200. In that notice, APHIS solicited public comment on a recommendation to remove regulations for destroying animals because of scrapie.

As further explained in the enclosed letter, I believe that continuing a depopulation program, including indemnity payments for destroyed animals, is the best program for scrapie control available at this time. The alternative policies that have been suggested remain undeveloped and have not been shown to be as effective as the type of depopulation program found in the current regulations.

The November 2 notice suggests that the rationale for discontinuing the present program is that it has not been effective in eliminating scrapie. The fact that scrapie has not been eliminated at this time does not, in my view, indicate that the current program should be abandoned. Instead, the current program should be strengthened and improved to deal more effectively with the increasing incidence of scrapie.

Some ideas for improving the program are included in my letter. One of the more important improvements that should be made is to increase the maximum indemnity level to $500, which would be a more realistic figure for purebred animals. In addition, I believe we need a rededication to vigorous implementation of the current program in the field. The reports I have received from producers indicate that APHIS personnel have been slow to act and generally have not carried out the program effectively.

I am well aware of the budgetary restraints on USDA programs. And I certainly do not suggest that the success and effectiveness of a program can be measured by the amount of money spent on it. I believe it is noteworthy, however, that APHIS figures for 1982 show 18 flows having been identified as infected with scrapie with total federal indemnities for depopulation of $1,323,000. For 1988, over 50 flocks were identified as infected, but only $224,883 was paid in federal indemnities. Hence, despite a

worsening scrapie problem, it appears that APHIS has markedly reduced its commitment to controlling the disease.

You are no doubt aware of the great threat that scrapie poses to the sheep and goat industry. I hope that we can work together to ensure that USDA has an effective and adequate program to address this serious problem.

Sincerely yours,

TOM HARKIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, March 6, 1989.

Re Docket No. 88-131, Animals Destroyed Because of Scrapie

Animal and Plant Health Inspection Service,
U.S. Department of Agriculture, Washington, DC.

To Whom It May Concern: I wish to note my strong opposition to the proposed rulemaking by APHIS that would discontinue the Scrapie Eradication Program. The proposed rule concludes that the existing Scrapie Eradication Program has not been effective in eliminating the incidence of scrapie and should therefore be discontinued. The mere fact that the program has not at this time succeeded in eliminating scrapie does not indicate that the program should be abandoned altogether. On the contrary, the circumstances militate in favor of an intensified effort to eradicate scrapie.

Scrapie is indeed a serious problem that deserves a greater, not lesser, effort by APHIS. The available data indicate that the number of identified scrapie outbreaks has increased from 11 flocks in 1980 to more than 50 flocks in 1988. The threat of scrapie has serious economic implications: the total value of the sheep industry to the U.S. economy is about $900 million annually. In my state of Iowa, the sheep industry contributes nearly $35 million to the economy each year. The need for an adequate federal program is clear.

No doubt the present program could be improved. I think that APHIS is capable of working to make such improvements. It is apparent from the proposed rule, however, that no program has been devised to replace the current Scrapie Eradication Program if it is abolished. In the face of an increasing U.S. scrapie problem, I believe it is imperative to continue, and improve where necessary, the present program in the absence of any currently available effective alternative.

Continuing a depopulation program, including indemnities, for scrapie control appears to be the best available policy for the foreseeable future. Plainly, bringing scrapie under control will require cooperation of flock owners and accurate, honest reporting of cases of scrapie. An indemnity program that helps defray some of the cost to flock owners of eliminating infected animals will encourage the reporting of scrapie cases and promote cooperation in eradicating the disease through removing diseased animals. The experience of other countries with substantial sheep industries demonstrates that the most effective program for dealing with scrapie involves depopulation of the infected flocks.

To improve the current Scrapie Eradication Program I suggest the following changes. To be effective, I believe the maximum indemnity level should be raised to $500 from the current $300. Improved methods of permanently identifying animals must be devised and implemented. Research must be continued and intensified into developing a diagnostic test and finding ways to prevent transmission. Flock owners and regulatory personnel must be educated about the disease. APHIS should allocate as much of its available resources as possible to these efforts.

I note that the proposed rule suggested a possible scrapie certification program as an alternative to the present indemnity program. I certainly would not want to discourage the development of such a certification program. However, I seriously doubt that a certification program could by itself effectively take the place of a depopulation program with indemnity payments to bring scrapie under control. In any event, I do not see how a certification program could serve as an effective alternative to a depopulation and indemnity program prior to the development and widespread availability of a diagnostic test for scrapie.

Thank you for considering my comments on this important matter.

Sincerely yours,

TOM HARKIN,
U.S. Senator.●

MAJOR FRAUD ACT AMENDMENTS OF 1989

● Mr. SASSER. Mr. President, I regret that I was unable to be in this Chamber on Wednesday, April 5, when the Senate considered S. 248. I had the sad duty that afternoon of visiting Covington, TN, with the Secretary of Transportation, to view the site of the tragic bridge collapse which took eight lives on the night of April 1.

As the record for April 5 reflects, had I been present that evening I would have voted against the motion to table the Bumpers amendment to S. 248, but in favor of final passage of the bill. I take this opportunity to make some brief comments on my views regarding the legislation.

S. 248 amends the Major Fraud Act of 1988, by allowing the Attorney General to authorize cash awards, of up to $250,000, to individuals who provide information which relates to possible prosecutions for fraudulent contractor practices. During my career in the Senate, I have been an ardent supporter of initiatives to combat waste, fraud, and abuse in Government operations. I was strongly in favor of the Major Fraud Act of 1988, a position I know I share with my distinguished colleagues who spoke both in favor of, and against, the provisions of S. 248.

However, with due consideration to the skillful arguments on both sides of the cash awards issue, I felt I must support the amendment of my distinguished colleague from Arkansas [Mr. BUMPERS] to strike the cash awards provision from S. 248. There are certainly many circumstances under which cash incentives are appropriate for those who expose fraud and abuse, or make suggestions which improve the efficiency of Government agencies. But I agreed with Senator BUMPERS that when you're talking about criminal prosecutions under the Major Fraud Act, the prospect of cash awards, to potential Government trial witnesses, might compromise the efforts of Government prosecutors. It is just too easy to discredit a witness who stands to gain financially from a conviction.

I know that that is why my friend, Senator METZENBAUM, amended S. 248 so that cash awards would no longer be contingent upon a conviction. But even with this conviction requirement removed from the bill, the fact that a witness could ultimately profit from his accusations might cast doubt on his motives and reliability from the outset.

However, a majority of our colleagues reached a different conclusion and voted to table Senator BUMPERS' amendment. In that case, like most other supporters of the Bumpers amendment, I am willing to see S. 248 become law. I will be interested to follow its effects upon the progress of our Federal investigators and prosecutors. Justice Holmes once observed, "The life of the law is experience." I hope our experience under S. 248 will be positive. If we find otherwise, then at least this weapon against fraud will have been given a chance to succeed.●

PREPARE OUR YOUTH FOR THE CHALLENGES OF THE FUTURE

● Mr. BINGAMAN. Mr President, considerable concern has been expressed at many levels and by many of my colleagues over the need to prepare our youth for the challenges of the future.

Many of us have urged the development of new and innovative collaborative partnerships to assure that our Nation has the sufficient caliber and numbers of young minds to help our country maintain its technological leadership and competitiveness.

We have heard that the future pool of human resources must come from the historically under-represented populations as a source for our technical human resources, and further, these historically under-represented populations are minorities—Hispanic, Native Americans, Blacks and women.

I am pleased that a very successful statewide human resource prototype has been created in my own State of New Mexico under the aegis of an effort called Project Uplift. Furthermore, this prototype is used as a recruiting model by the U.S. Office of Personnel Management to attract young prepared people into the Federal work force. This prototype has involved the collaborative participation of the degree granting public and private universities and colleges, Kirtland Air Force Base, the two national laboratories, and multi-national corporations and a minority owned business in New Mexico.

It is reported that all the goals set by the planning committee of Project Uplift have been surpassed. The following highlights indicate the success of this year's Rio Grande Research Corridor High Technology Minority Job Fair:

More than 100 public and private employers participated from throughout the United States.

More than 600 invited university and college engineering, math, computer science, physical sciences, technical writers, and business majors participated.

Over 200 job offers were made along with 50 co-ops and internships.

Eight of the 10 Operations Offices of the U.S. Department of Energy participated along with four national laboratories.

Over these past 3 years—some 450 job offers have been made.

The Department of Energy and the U.S. Office of Personnel Management deserve credit for their cooperation as do the organizers of the Job Fair. I also want to congratulate the founder of Project Uplift, Dr. Henry Casso of Albuquerque, NM, for his significant efforts in making Project Uplift a success.●

MARIAN ANDERSON

● Mr. DODD. Mr. President, this coming Sunday, April 9, marks the 50th anniversary of a historic moment in race relations in our country. On that date in 1939, Marian Anderson, one of the greatest singers of this century, who had been denied the right to perform in Constitution Hall solely because she is black, attacked the ignorance and immorality of racism with her presence and her voice in an outdoor concert on the steps of the Lincoln Memorial.

Fifty years ago, when Washington was still a small Southern town with strict Jim Crow laws, Constitution Hall was the largest concert hall in the city. The owners of the building, the Daughters of the American Revolution, at the time maintained a strict segregationist policy, prohibiting any blacks, even one of the stature and the phenomenal talent of Marian Anderson, from performing there.

Miss Anderson had performed throughout Europe in many of the World's leading concert halls. The great contralto had been honored by the kings of Denmark and Sweden. Yet even a voice such as hers was not strong enough—not yet—to knock down the walls of bigotry in her own country.

Her rejection by the DAR was by no means the first time that Marian Anderson had been forced to battle prejudice in the pursuit of her career. At the age of 13 she was denied entrance to a Philadelphia music school, where she was told, "We don't take colored." Undaunted, Miss Anderson hired a private tutor and sang at black churches to raise money for the teacher's fees.

Despite rave reviews from music critics for her solo performance with the New York Philharmonic in 1926, when she was but 22 years old, Miss Anderson continued to find her path blocked in this country by color barriers. This great American singer was forced to go to Europe in search of opportunities.

Marian Anderson returned to America in 1935 and found discrimination still prevalent. When traveling to her performances she was sometimes refused rooms in hotels, and at other times hotels would allow her to use only the freight elevator. On trains she was often prohibited from eating in the dining car.

When Miss Anderson was denied the use of Constitution Hall, public attention—and a growing outrage—was focused on the injustice of discrimination. The outcry culminated when First Lady Eleanor Roosevelt resigned her membership in the DAR, stating, "To remain as a member implies approval of their action." The DAR refused to budge, and Secretary of the Interior Harold Ickes was contacted to obtain permission for a performance on public park lands.

Tens of thousands of concertgoers—blacks shoulder-to-shoulder with whites—crowded the grounds of the Lincoln Memorial that April day in 1939, and all were astounded by what they heard. Beginning with the Star Spangled Banner, through operatic pieces and Negro spirituals, Marian Anderson held the audience spellbound. At the end of the performance, the applause and cheering of the crowd continued seemingly forever.

Four years later, Miss Anderson did perform at Constitution Hall. She demanded, however, that the Daughters of the American Revolution lift its segregation policy, allowing blacks and whites to sit side-by-side for the performance. The great singer appeared several more times at Constitution Hall after the DAR rescinded its whites-only policy.

Several times in her singularly distinguished career Marian Anderson broke ground in the struggle for equal rights for all Americans. She was the first black artist to entertain in the White House, and the first to sing with New York's Metropolitan Opera. Miss Anderson was and is to millions of her countrymen the very model of a person overcoming prejudice.

The concert at the Lincoln Memorial 50 years ago was a historic moment in American music; it was also a watershed in the early civil rights movement. Americans realized the contradiction of discrimination based on skin color at a time when the nation was gearing up to fight the Nazis in Germany, and Americans demanded that human genius be acclaimed in its own right.

Miss Anderson, who has made her home in Danbury for more than 40 years, will be honored for her creative genius at a concert at Western Connecticut State University's Charles Ives Center for the Arts on August 12.

I am proud to pay tribute to one of Connecticut's most important citizens, one of opera's greatest divas and one of the civil rights movement's earliest heroes. Marian Anderson's stirring performance at the Lincoln Memorial, the symbol of freedom and equality, should remind us of the battles yet to be fought for equality for all Americans.●

DIET AND HEALTH

● Mr. HARKIN. Mr. President, just recently the National Research Council issued a very extensive report entitled "Diet and Health: Implications for Reducing Chronic Disease Risk". This report, along with the first Surgeon General's Report on Nutrition and Health, which was released last year, underscores the important contribution of a healthy diet toward the reduced risk of certain diseases and chronic conditions.

While we have recognized for some time that a healthy diet can improve our quality of life, a rather recent realization is that our Nation's diet can play a positive role in reducing the risks of certain diseases. The Surgeon General's report, for instance, found that our diet plays a "prominent role in 5 of the 10 leading causes of death for Americans."

The National Research Council report was based on a 3-year review of current scientific information. At the end of its very extensive report, the Council included a six-page list of additional research needed to complete gaps in our knowledge of nutrition. Research in these areas will allow us to improve our diets and the nutritional content of the food products we eat.

Mr. President, the National Research Council and the long list of distinguished scientists who were actively involved in this project have made a significant contribution to our Nation's health through this effort. Living healthier lives is a high priority to each of us. Containing our Nation's rapidly increasing health care costs through disease prevention is also of first priority for each of us. We must continue our research into the connection between our diets and the risk of specific chronic diseases and must educate the American public on the diets that will be most helpful in assuring healthy lives.

Mr. President, the NRC's report contains a section on research directions which are most illuminating. They provide a recipe for research activity

which, if followed today, can provide us the benefits of longer, healthier, happier, and more productive lives in the future. I commend the NRC for its efforts.●

COMMENDING YOUTH DEVELOPMENT INC.

● Mr. BINGAMAN. Mr. President, I rise today to proudly commend a New Mexico institution that has helped train thousands of young New Mexicans over the past 18 years.

Yesterday, Youth Development Inc. of Albuquerque was awarded a Job Training Partnership Act Presidential Award. Just 15 awards were presented nationwide for the 1987 program year and YDI's GEF Prep Program was one of those winners. YDI's executive director, Chris Baca, was in Washington to accept the award at the U.S. Department of Labor.

I am pleased that YDI's success in providing quality entry employment experience and a structured GED Prep Program has been recognized. This program offers hope to youths who face multiple risks in the workplace. Not only are all the participants high school dropouts, but all have been caught up in the court system. YDI and the students have faced those challenges capably. A 98-percent success rate testifies to both their methods and their dedication. Fully 98 percent of YDI participants receive a diploma, a job, or continue their education. Seventy-seven percent are placed in jobs immediately upon completion of the program. Clearly, Chris Baca and all the others at YDI have earned the recognition of the President. As Secretary of Labor Elizabeth Dole said in a letter to me, YDI "made exemplary contributions to the training and employment system."

Mr. Baca, who has spent much of his career helping these youth, was very pleased to receive the award. "I've been here 17 years," he told me, "and sometimes you wonder if anyone knows we're here. This is very nice."

YDI has served nearly 50,000 people since 1971; it now serves 9,000 people annually. The GED Prep Program serves 100 students a year. YDI also helps other youth programs, including group shelters, runaway facilities, juvenile detention centers, and institutional diversion programs. YDI helps participants obtain basic training and employment. All enrollees must participate in training and work experience and each is assessed to determine academic levels. Each participant works at his or her own pace and receives one-on-one counseling, career planning, and job development help to overcome employment difficulties. The program has had great success in identifying potential employers and landing jobs in the private sector. The 77-percent placement rate is ready evidence of YDI's reputation in the business community.

So, I offer my congratulations to YDI, to Mr. Baca, and to the thousands of YDI graduates. And I also offer my thanks to them, and to the business community in my State which has made their success possible.●

INTERNATIONAL HERITAGE HALL OF FAME AWARDS

● Mr. LEVIN. Mr. President, on April 14, four leaders in the ethnic community will be inducted into the International Institute's International Heritage Hall of Fame.

The International Institute represents those Americans who, by celebrating their ethnic heritage, have enriched everybody. The institute and its members show our country's ability to embrace diversity as its greatest strength.

The contributions of the following four individuals wonderfully exemplify that spirit:

Malvina Hauk Abonyi, PhD., of Hungarian origin, who is an archivist with Wayne State University's College of Urban, Labor, and Metropolitan Affairs.

Silas Cheuk, M.D., the former president of the Association of Chinese Americans. He currently practices medicine in Dearborn.

Marjorie Peebles-Meyers, M.D., who is prominent in the African-American community. She has practiced medicine in Detroit for almost 40 years.

Vainutis "Doctor V" Vaitkevicius, M.D., a native of Lithuania, who is chief of medicine at Harper Grace hospitals, physician in chief of Detroit Medical Center, and department chairman of Internal Medicine at Wayne State University.

Our community has been inspired by the drive, energy, and spirit of these individuals. I know three of them particularly well. They have been longstanding friends as well as pillars of the community.

So I want to thank them personally as well as on behalf of our community. For they have given us a piece of themselves as well as part of their culture. Those are great gifts indeed.●

The PRESIDING OFFICER. The Republican leader is recognized.

APPOINTMENT BY THE REPUBLICAN LEADER

Mr. DOLE. Mr. President, in accordance with Public Law 1690, the Anti-Drug Abuse Act of 1988, the following named Senators are hereby appointed as members of the National Commission on Drug-Free Schools: THAD COCHRAN from Mississippi and DAN COATS of Indiana.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) to direct the Senate legal counsel to represent the Senate, Senators SANFORD, HEFLIN, and WALLOP, former Senator Stennis, and a Senate employee in the case of Candis O. Ray v. United States Senate, et al.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in 1977, Candis Ray, who operated a tour business in Washington, brought an action against Senator Proxmire and Ellen Proxmire, the Senator's wife. The plaintiff claimed that Senator and Mrs. Proxmire had tortiously interfered with her business in order to favor Mrs. Proxmire's competing tour business. One of the plaintiff's claims was that Senator Proxmire helped to arrange for Senate rooms for his wife's tours. In affirming the district court's dismissal of the complaint, the court of appeals observed that, to the extent that an issue had been raised about compliance with the Senate's rules on the use of its facilities, "[t]he judicial function is not implicated at all, for only in the Senate forum can observance of the rule be compelled." *Ray* v. *Proxmire*, 581 F.2d 998, 1002 (D.C. Cir.), cert. denied, 439 U.S. 933 (1978).

Now, 12 years later, Ms. Ray has brought a new action to recover the damages that she had been unable to recover in her earlier action. Among the defendants in this new action, the plaintiff has named Senator SANFORD, with whom she has corresponded as one of her home-State Senators; Senator SANFORD's administrative assistant, Paul Vick; and former Senator John C. Stennis. Her claims against these defendants relate to the plaintiff's unsuccessful 1987 petition to the Committee on Appropriations for a payment of $505,000. She has also named as defendants Senators HEFLIN and WALLOP, who alternated in the roles of chairman and vice chairman of the Select Committee on Ethics between 1979 and 1982, during which time the committee did not act favorably on Ms. Ray's complaints to the committee. Additionally, the plaintiff has named the entire Senate as a defendant.

The resolution would authorize the Office of Senate Legal Counsel to rep-

resent the Senate defendants and to move to dismiss the complaint.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas, in the case of *Candis O. Ray* v. *United States Senate, et al.*, Case No. ST-C-89-14, pending in the United States District Court for the Western District of North Carolina, the plaintiff has named the United States Senate, Senator Sanford, Heflin, and Wallop, former Senator Stennis, and a Senate employee, Paul Vick, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the Senate, its present and former members, and its employees in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Senate, Senators Sanford, Heflin, and Wallop, former Senator Stennis, and Paul Vick in the case of *Candis O. Ray v. United States Senate, et al.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 40, House Joint Resolution 112, a joint resolution designating April 23, 1989, through April 29, 1989, and April 23, 1990, through April 29, 1990, as "National Organ and Tissue Donor Awareness Week."

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 112) designating April 23, 1989, through April 29, 1989, and April 23, 1990, through April 29, 1990, as "National Organ and Tissue Donor Awareness Week."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 112) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION DAY, U.S.A.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 41, House Joint Resolution 173, a joint resolution designating April 16, 1989, and April 6, 1990, as "Education Day, U.S.A."

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 173) a joint resolution designating April 16, 1989, and April 6, 1990, as "Education Day, U.S.A."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 173) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY BY SENATE EMPLOYEES

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to authorize testimony of two Senate employees in Senator HATCH's Salt Lake City office and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 96) to authorize testimony by two Senate employees in the case of *United States v. Gregory Sitzman, et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in the case of United States versus Gregory Sitzman, at al., pending in the U.S. District Court for the Southern District of Florida, the U.S. Attorney's Office has requested the testimony of Melanie Bowen and Jan Bennett, two Senate employees in Senator HATCH's Salt Lake City office.

The defendants in this case are charged with a conspiracy to import cocaine into the United States. The Government would like to be able to call these Senate employees as witnesses to establish that, in 1987, a key government witness had called Senator HATCH's office to report voluntarily on defendants' activities and to request assistance for his son who allegedly was being held against his will by drug dealers in Colombia. The Government's purpose in seeking this testimony is to support the credibility of the Government's key witness.

Mr. HATCH. Mr. President, I would like to thank the majority leader for his cooperation in this matter and for the assistance that he has provided my office. I think it is important that we do all we can to assist Federal officials in these prosecutions. At the same time the resolution will ensure that both the Senate and my employees are protected. I would like to note for the record that my State director, Ronald E. Madsen, who is an attorney, will accompany Mrs. Bowen and Mrs. Bennett to Miami to provide them with necessary assistance.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 96

Whereas, in the case of *United States v. Gregory Sitzman, et al.*, No. 87-6098-Cr-ZLOCH, pending in the United States District Court for the Southern District of Florida, Melanie Bowen and Jan Bennett, two employees of Senator Hatch's Salt Lake City office, have been requested to testify by the United States;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony by Senate employees may be needed in any court for the promotion of justice, the Senate will act to promote the ends of justice in a manner consistent with the privileges and rights of the Senate: Now, therefore be it

Resolved, That Melanie Bowen and Jan Bennett are authorized to testify in the case of *United States v. Gregory Sitzman, et al.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 4:30 P.M. TODAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the RECORD remain open today until 4:30 p.m. for statements and the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

RECESS UNTIL 4 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 4 p.m. on Monday, April 10, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that following the time for the two leaders, there be a period for morning business not to extend beyond 4:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the benefit of my colleagues I repeat, as I stated earlier, that there will be no rollcall votes on Monday; there will be on Tuesday in accordance with the previous order, and in addition to the votes on the two major amendments on Tuesday, there may be additional votes on other amendments to the minimum wage legislation. So Senators should be aware that there will be at least two votes Tuesday afternoon and there may well be others in addition to those two so that they can arrange their schedules accordingly.

RECESS UNTIL 4 P.M. ON MONDAY

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 4 p.m. on Monday, April 10.

There being no objection, the Senate, at 2:41 p.m., recessed until Monday, April 10, 1989, at 4 p.m.